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Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst

Addendum

Observations on communications transmitted to Governments and replies received*

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* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to resolution 25/18 of the Human Rights Council. The report provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as observations on the replies received from States.

2. The cases and situations raised by the Special Rapporteur in this addendum include urgent appeals, allegations letters and other letters, issued between 1 December 2015 and 30 November 2016. The press releases included in this report are the ones issued between 1 December 2015 and 31 January 2017.

3. The report contains responses received from States before 31 January 2017. A small number of replies received before 31 January 2016 could not be included because translation of these documents was not available at the time of finalising the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2015 to November 2016.

4. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. Where a State's reply has been to acknowledge receipt of a communication or to request an extension of deadline to reply, this is indicated with an (A) after the reply date. The communications included in this report and the replies received from the concerned States, respectively, can be consulted on the following webpage *https://spcommreports.ohchr.org*. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases (PR) published during the reporting period are referenced below the communications, with a hyperlink to the statement as uploaded on the OHCHR website. In bold, is the title of the press release in the language of the statement.

5. The Special Rapporteur is grateful to all States which have transmitted substantive responses to his communications. He considers response to his communications as an important part of cooperation by States with his mandate. He trusts that States who have not provided substantive responses to his communications will do so shortly.

6. The annex of the report contains information on the communications procedure and guidelines on the submission of complaints to the Special Rapporteur.

Summary

7. Between 1 December 2015 and 30 November 2016, the Special Rapporteur sent 254 communications individually or jointly with other mandate holders of the Human Rights Council, to 115 States. Of these communications, 129 were urgent appeals and 125 were allegation letters.

8. The Special Rapporteur drew attention to the situation of over 768 people, of whom 164 were registered as women. The report also includes 126 cases consisted of follow-ups on persons, organisations and normative frameworks, which were previously the subject of communications, including 4 press releases.

9. Examined by region, the figures show that 73 communications were addressed to 20 countries in the Asia-Pacific region (29 %); 41 were addressed to 13 countries in the Americas region (16 %); 57 to 16 countries in the Middle East and North Africa (22 %); 32

to 17 countries in Europe and Central Asia (13%); 47 were addressed to 21 countries in Africa (18 %) and 4 to other actors (2%).

10. The Special Rapporteur sent 21 communications concerning reprisals taken against groups or persons as a result of their cooperation with the United Nations, its mechanisms or representatives in the sphere of human rights, or international human rights organisations.

11. The Special Rapporteur sent 11 communications concerning draft legislation at the national level that could have a negative impact on the environment in which human rights defenders perform their activities.

12. As of 31st January 2017, 148 replies have been received to 112 communications, (44% response rate). The response rate had been 49% in the previous reporting period. Responses to communications which were received after 31 January 2017 will be reflected in a later communication report.

AFRICA REGION

13. During the present reporting period the Special Rapporteur sent 47 communications to 21 countries in the African region. He takes note of the response rate of 17% which is the lowest response rate for any region. He therefore urges States to cooperate and respond to his communications as part of a continuous dialogue and ensure that the issues raised in the communication are thoroughly addressed.

14. Despite the African Union's declaration of 2016 as 'The African year of human rights', the Special Rapporteur reports with preoccupation that the year has seen multifaceted risks facing human rights defenders in the region, including death threats, physical attacks and enforced disappearances, in direct retaliation for their peaceful and legitimate human rights work. He is also concerned by the communications that underline the continued risks of arbitrary arrest and detention facing defenders, often accompanied by due process violations.

15. The Special Rapporteur is concerned by the high number of communications (6) sent to the Africa region with regard to acts of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. He wishes to underline that the work of human rights defenders is a crucial factor of a striving democratic society and the State bears the ultimate responsibility to ensure a safe and enabling environment in which human rights defenders can carry out their work. This responsibility includes protecting them from any forms of reprisals for their cooperation with UN and other international human rights bodies and mechanisms.

16. In a number of countries in the region, the threat of arbitrary detention is aggravated by stigmatization of defenders and criminalization of their activities, especially in the context of elections or political crises. Growing intimidation and persecution of civil society associations and their leaders advocating for human rights has become a challenge that requires urgent attention in the region. Human rights defenders increasingly face legal and administrative restrictions and attempts to silence dissenting voices in the context of elections or constitutional crises. Reports of harassment, surveillance, death threats, attacks and arrests of defenders are deeply disturbing. The Special Rapporteur urges States to take steps to ensure that human rights defenders and civil society are able to operate free from any form of intimidation and harassment at all times, including when countries undergo elections and political challenges, including by ensuring full protection to the rights of freedom of peaceful assembly, association, and expression.

17. The development and application of legislation under the guise of counter-terrorism or national security measures continues posing challenges in the region. In many countries of the region, the rights to freedoms of peaceful assembly and expression have been severely curtailed, especially where protesters advocate for good governance or oppose large-scale projects. The actions by authorities to restrict public protests have been followed by inhibiting, in some occasions, even private meetings such as seminars and events organized by civil society. The Special Rapporteur notes with preoccupation the increasing use of state emergencies to arrest protesters and defenders without a warrant and to imprison them for the duration of the state of emergency, which is seen as a tactic to impede the exercise of basic rights and fundamental freedoms and as an action inconsistent with international human rights law.

18. Finally, the Special Rapporteur notes with satisfaction that some States in the region adopted laws on the protection of human rights defenders or consider enacting them in the near future. He encourages the States to formulate and adopt such legislation in broad consultation with civil society, in consideration of lessons learnt from similar experiences by other States, and in cooperation with regional and international organizations.

Burundi

19. JUA 07/12/2015 Case no: BDI 7/2015 State reply: none to date

Allégations relatives au gel des comptes bancaires de dix ONG à l'ordre de suspendre leurs activités, ainsi que l'ordre d'extradition du journaliste M. Antoine Kaburahe.

20. JUA 18/02/2016 Case no: BDI 3/2016 State reply: none to date

Allégations relatives à la disparition forcée de Mme Marie-Claudette Kwizera, défenseur des droits de l'homme.

21. JUA 18/03/2016 Case no: BDI 5/2016 State reply: none to date

Allégations relatives au gel des comptes bancaires de dix ONG, à l'ordre de suspendre leurs activités, ainsi que l'ordre d'extradition du journaliste M. Antoine Kaburahe, dans le but de restreindre leurs activités légitimes.

22. JUA 17/06/2016 Case no: BDI 6/2016 State reply: none to date

Allégations de menaces de mort et de harcèlement d'un défenseur du droit de l'environnement et des droits de l'homme se trouvant actuellement en Ouganda en tant que réfugié, et sa famille demeurant au Burundi.

23. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport. Il encourage le Gouvernement à répondre aux communications envoyées.

24. Le Rapporteur spécial exprime sa profonde inquiétude quant au contexte d'insécurité dans lequel les défenseurs des droits de l'homme au Burundi doivent exercer leurs activités, la situation étant marquée par un nombre non négligeable d'actes d'intimidation, de menaces et de représailles. La répression systématique du travail de la société civile et des médias indépendants a déjà poussé un grand nombre de défenseurs des droits de l'homme à fuir le pays.

25. Le Rapporteur spécial est extrêmement inquiet concernant des actes d'intimidation et de menaces contre un nombre des défenseurs des droits de l'homme au Burundi suite à leur rencontre avec des experts indépendants mandatés par les Nations Unies du 1er au 9 mars 2016 en vue de s'enquérir de la situation des droits de l'homme dans le pays. Il souhaite attirer l'attention du Gouvernement sur le fait que ces éléments constituent des actes de représailles tels que définis par les résolutions 12/2 et 24/24 du Conseil des droits de l'homme.

26. Le Rapporteur spécial réitère ses préoccupations concernant l'adoption de l'ordonnance ministérielle (décret 530/1597) ordonnant la suspension des activités de dix ONG œuvrant pour la promotion et protection des droits de l'homme et le gel des comptes bancaires de ses organisations et de certains de leurs représentants. Il exprime aussi de préoccupations quant à l'enquête ouverte à l'encontre de ces organisations pour des faits qui seraient liés à l'exercice légitime de leurs activités. Il déplore le fait que la levée de la suspension soit une condition à la clôture de la procédure judiciaire et que le système judiciaire puisse être utilisé afin de réprimer les associations de la société civile. Ces mesures, de toute évidence, cherchent à restreindre les activités légitimes et pacifiques de nombreuses organisations de la société civile et des médias au Burundi. Le Rapporteur spécial souhaite rappeler le rôle central que jouent les acteurs de la société civile et les défenseurs des droits de l'homme dans la consolidation de la démocratie et la non-répétition des violations graves des droits de l'homme. Il souhaite également attirer l'attention sur la Résolution 22/6 du Conseil des droits de l'homme qui enjoint aux États de reconnaître publiquement la contribution importante et légitime apportée par les défenseurs des droits

de l'homme à la promotion des droits de l'homme, de la démocratie et de l'état de droit, en tant que moyen essentiel de garantir la protection de ces personnes, y compris en respectant l'indépendance de leurs organisations et en évitant toute stigmatisation de leurs activités.

27. Le Rapporteur spécial reste gravement préoccupé par la disparition forcée de la défenseure des droits de l'homme - Mme. M.C. Kwizera, comptable de la Ligue Burundaise des Droits de l'homme, Iteka - par son intégrité physique et mentale et par le fait que plus d'un an après sa disparition, elle reste introuvable. Il est particulièrement préoccupé par l'allégation selon laquelle les forces de sécurité burundaises seraient impliquées dans cette disparition forcée. Le Rapporteur spécial exige et attend une action urgente de la part du Gouvernement pour faire face à l'urgence de la situation. Il rappelle aussi que l'État est responsable de veiller à ce que les défenseurs des droits de l'homme puissent exercer leurs droits et travailler dans un environnement favorable où ils peuvent mener leurs activités légitimes sans crainte de harcèlement, de répression ou de criminalisation de quelque nature que ce soit.

28 .Le Rapporteur spécial souhaite rappeler la résolution S-24/1 adoptée du Conseil des droits de l'homme des Nations Unies, dans laquelle il demande aux autorités burundaises de s'employer à protéger la population du Burundi contre les actes illégaux d'intimidation et de violence, de respecter, protéger et promouvoir tous les droits de l'homme et les libertés fondamentales pour tous, conformément aux obligations internationales, de respecter l'état de droit et de promouvoir l'établissement, en toute transparence, des responsabilités concernant toutes les violations des droits de l'homme et atteintes à ces droits et de mener des enquêtes approfondies et indépendantes sur les violations graves des droits de l'homme et les atteintes graves à ces droits, afin que tous les auteurs de ces violations, quelle que soit leur affiliation, aient à répondre de leurs actes.

Cameroon

29. JAL 21/03/2016 Case no: CMR 1/2016 State reply: none to date

Allégations de nombreuses procédures judiciaires et condamnations de M. Nasako Besingi, un défenseur des droits de l'homme qui pourraient constituer une forme de harcèlement judiciaire

30. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue à la communication envoyée. Il espère recevoir une réponse prochainement.

31. Le Rapporteur spécial réitère ses préoccupations concernant l'ouverture de nombreuses procédures judiciaires et des condamnations à l'encontre de M. N. Besingi, un défenseur des droits de l'homme, directeur de l'ONG « Struggle to Economize Future Environment » qui œuvre pour la protection et la promotion des droits liés à l'environnement et à la terre et qui lutte contre les actions des industries ayant pour conséquence la spoliation des terres et la destruction des forêts. Le Rapporteur spécial ne peut que conclure et regretter que les condamnations pour diffamation et rassemblements illégaux prononcées à l'encontre de M. Besingi, sont étroitement liées à l'exercice de son travail pacifique en faveur des droits de l'homme, notamment en relation à la promotion du droit à un environnement sûr, propre, sain et durable.

32. Le Rapporteur spécial est particulièrement préoccupé par l'impact général de ces nombreuses procédures judiciaires et condamnations qui représentent une forme d'intimidation contre M. Besingi et d'autres défenseurs des droits de l'homme, en réponse à l'exercice légitime de leurs droits. Il craint également pour la sécurité des défenseurs des droits de l'homme opérant sur le territoire camerounais, y compris les militants pour la défense de l'environnement qui s'opposent notamment à l'exploitation industrielle de la forêt. Il prie instamment le Gouvernement de veiller à ce que les défenseurs des droits de

l'homme puissent travailler dans un environnement sûr et favorable, où ils peuvent mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

Chad

33. JUA 12/04/2016 Case no: TCD 1/2016 State reply: none to date

Allégations relatives à l'arrestation de défenseurs des droits de l'homme M. Mahamat Nour Ahmed Ibedou, M. Younous Mahadjir, M. Nadjo Kaina Palmer et Mme Céline Narmadji.

34. JUA 02/06/2016 Case no: TCD 2/2016 State reply: none to date

Allégations de disparitions forcées, d'arrestations et de détentions arbitraires, de traitements cruels, inhumains et dégradants et de violation des droits à la liberté de réunion pacifique et la liberté d'expression commises par les forces de sécurité et de défense tchadiennes.

35. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant les communications envoyées pendant la période couverte par le présent rapport. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et il encourage à répondre à ces communications.

36. Le Rapporteur spécial réitère sa vive préoccupation quant aux allégations de disparitions forcées de membres des forces de défense, d'arrestations et de détentions arbitraires, de mauvais traitements, de restrictions aux droits à la liberté de réunion pacifique et d'expression des défenseurs des droits de l'homme et des opposants politiques au Tchad.

37. Le 6 février 2016 à N'Djamena, des manifestants, dont la plupart membres du Collectif des associations et du mouvement de jeunes du Tchad (Camojet), des défenseurs des droits de l'homme et des organisations de la société civile, auraient été dispersés par la police anti-émeute alors qu'ils manifestaient pacifiquement contre la Loi de finances 2016. Au moins 17 d'entre eux auraient été arrêtés et détenus pendant deux jours, avant d'être relâchés. Ceux qui auraient été arrêtés auraient déclaré avoir été maltraités par la police. Il est allégué que des gaz lacrymogènes auraient été utilisés contre eux dans leurs cellules. Au moins deux personnes auraient reçu des soins médicaux d'urgence à la suite de cet incident. Le Rapporteur spécial est particulièrement alarmé par l'information que, à ce jour, aucune enquête n'aurait été menée concernant ces allégations de détention arbitraire et de mauvais traitements infligés à des manifestants pacifiques, malgré les demandes des organisations de la société civile.

38. Le Rapporteur spécial réitère ces préoccupations concernant la détention et condamnation de quatre défenseurs des droits de l'homme, M. M.N. Ibedou, M. Y. Mahadjir, M. N.K. Palmer et Mme C. Narmadji, qui planifiaient d'organiser une série de manifestations pacifiques contre la candidature à un cinquième mandat du Président. À l'issue de leur procès, qui s'est ouvert le 7 avril 2016, ils auraient été reconnus coupables de « provocation d'un attroupement non-armé » et condamnés à une peine de 4 mois de prison avec sursis.

39. Le Rapporteur spécial regrette profondément que les faits allégués puissent contribuer à créer un climat de crainte, face aux menaces et à la violence, et produire un effet délétère sur l'exercice des droits de l'homme et des libertés publiques au Tchad. Il rappelle que toute restriction aux droits à la liberté d'expression et de réunion pacifique doit se conformer aux dispositions du PIDCP ratifié par Tchad le 9 juin 1995. Le Rapporteur spécial trouve opportun de rappeler que, selon la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de

l'homme et les libertés, l'État porte la responsabilité principale de protéger, promouvoir et rendre effectifs tous les droits de l'homme et toutes les libertés fondamentales.

Democratic Republic of the Congo

40. JAL 10/12/2015 Case no: COD 5/2015 State reply: 29/01/2016, 11/02/2016, 02/03/2016

Allégations concernant des exécutions sommaires et extrajudiciaires, des violations des libertés de réunion pacifique et d'expression, lors de l'opération Likofi et des manifestations de janvier 2015.

41. JUA 16/02/2016 Case no: COD 1/2016 State reply: none to date

Allégations quant à l'arrestation et à la détention arbitraire de neuf personnes, dont deux défenseurs des droits de l'homme - M. Juvin Kombi et M. Pascal Byumanine, membres de la Lutte pour le Changement (LUCHA), ainsi que M. I. Fumbu, M. S. Wetemwami Heshima, M. G. S. Rwamakuba, M. N. K. Kalindalo, M. J. Kambale Muhasa, M. O. K. Kilala et M. J. Semivumbi lors d'une manifestation pacifique à Goma.

42. JUA 12/05/2016 Case no: COD 3/2016 State reply: none to date

Allégations de détention arbitraire, de torture et de mauvais traitements de M. Jean-Marie Kalonji, un défenseur des droits de l'homme.

43. JAL 19/05/2016 Case no: COD 2/2016 State reply: none to date

Allégation d'exécution extrajudiciaire d'un défenseur des droits de l'homme M. Evariste Kasali par des membres de la Police Nationale Congolaise.

44. JAL 21/06/2016 Case no: COD 4/2016 State reply: none to date

Allégations d'arrestations d'opposants politiques, y compris, de restrictions indues du droit de réunion pacifique et d'usage excessif de la force dans le cadre de plusieurs manifestations en majorité pacifiques organisées les 26, 27 et 28 mai 2016.

45. JUA 25/07/2016 Case no: COD 5/2016 State reply: none to date

Allégations d'arrestation et de détention arbitraire de deux membres de la Lutte pour le Changement (LUCHA) M. Bienvenu Matumo et M. Marcel Heritier Kambale Kapitene, ainsi que de M. Victor Tesongo.

46. JUA 22/09/2016 Case no: COD 7/2016 State reply: none to date

Allégations concernant des allégations d'usage excessif de la force par les forces de l'ordre ainsi que de violations des libertés de réunion pacifique et d'expression, lors de manifestations de 19 - 20 septembre 2016.

47. JUA 01/11/2016 Case no: COD 8/2016 State reply: none to date

Allégations concernant des décisions portant sur l'interdiction de manifestations dans plusieurs villes du pays, dont la capitale, Kinshasa, ainsi que le possible mise en place d'un régime de restrictions pour les organisations de la société civile et les défenseurs des droits de l'homme.

48. PR *11/3/2016*

RDC: des experts des droits de l'homme de l'ONU exigent la fin de l'interdiction «injustifié» des manifestations.

49. PR *12/1/2016*

RDC : un pays fragile en sursis alors que le Gouvernement muselle l'opposition.

50. PR 12/19/2016

RDC: Les experts de l'ONU exhortent le Gouvernement à lever les restrictions « abusives » imposées aux manifestants pour éviter la violence

51. Le Rapporteur spécial remercie le Gouvernement pour les trois réponses reçues à sa lettre du 10 décembre 2015 concernant des allégations de violations graves des droits de l'homme de la part de représentants de l'État. Il a examiné avec attention les explications fournies par le Gouvernement au sujet des allégations présentées. Il regrette néanmoins ne pas avoir reçu de réponse concernant les autres communications envoyées, notamment en raison de la gravité des allégations, et il espère les recevoir dans les meilleurs délais.

52. Le Rapporteur spécial exprime sa forte inquiétude concernant l'augmentation significative du nombre de violations des droits de l'homme documentées sur le territoire de la République démocratique du Congo (RDC) et par le fait que les forces de sécurité de l'État en sont les principaux auteurs. Le Bureau conjoint des Nations Unies pour les droits de l'homme en RDC a enregistrée une hausse importante des violations des droits de l'hommes au cours de l'année 2016 , en précisant que les forces de sécurité congolaises ont commis la plupart des violations documentées, tandis que le reste a été attribué à des groupes armés actifs dans l'est du pays.

53. Le Rapporteur spécial reste particulièrement préoccupé face à la restriction de l'espace accordé à la société civile en RDC et, de manière plus générale, à la restriction des droits politiques qui sont en nette augmentation depuis 2015, en raison de l'opposition au recul des élections. Il souhaite souligner que les droits à la liberté d'expression et à la liberté de réunion pacifique et d'association sont des droits fondamentaux garantis par le droit international. Ces droits ne peuvent être limités que dans des circonstances très précises et étroitement définies.

54. En janvier 2015, de violentes manifestations auraient eu lieu à Kinshasa suite à l'adoption d'un amendement à la loi électorale soumettant les prochaines élections présidentielles à un recensement général de la population. Au cours de ces manifestations, entre le 19 et le 26 janvier 2015, plusieurs dizaines de personnes auraient perdu leur vie, auraient été blessés et plus de 500 personnes auraient été arrêtées à travers tout le pays. Le Rapporteur spécial note les informations fournies par le Gouvernement de la RDC au sujet des agitations publiques massives et des actes de vandalisme qui ont marqué ces manifestations. Il reconnaît le rôle important des forces de police pour maintenir la sécurité publique et demande instamment que les forces de l'ordre fassent preuve de retenue pendant le contrôle des manifestations et veillent à ce que les principes de proportionnalité et de nécessité soient respectés en conformité avec les normes des Nations Unies

55. La RDC a connu une autre vague de protestations organisées dans plusieurs villes du pays en septembre 2016. Au moins quelques dizaines de personnes auraient été tuées, plusieurs dizaines blessées et des centaines arrêtées lors de manifestations qui se sont déroulées les 19 et 20 septembre 2016. Au cours des manifestations, la Police Nationale Congolaise (PNC) aurait utilisé des gaz lacrymogènes pour disperser les foules et aurait tiré à balles réelles sur les manifestants dans plusieurs localités. Les affrontements du 19 septembre 2016 auraient engendré la mort de plus d'une dizaine de personnes (à Kinshasa), au moins une vingtaine de personnes auraient été blessées, dont six par balles tirées par les forces de sécurité à Beni, Kinshasa, Matadi et à Goma. Les manifestations se seraient déroulées dans la violence dans plusieurs localités, au moins 10 agents de la police auraient été tués à Kinshasa et 10 agents de l'Agence Nationale de Renseignements (ANR) auraient été blessés à Goma. De plus, les agents de la PNC auraient ciblé par balles deux véhicules du Bureau conjoint des Nations Unies à Kinshasa.

56. Tout en dénonçant les actes allégués de violence de certains manifestants, le Rapporteur spécial est particulièrement préoccupé par les arrestations et détentions illégales d'opposants politiques ainsi que des défenseurs des droits de l'homme, par les restrictions indues du droit de réunion pacifique et l'usage excessif de la force dans le cadre des manifestations susmentionnées. Ces actions des autorités semblent être directement liées au statut d'opposants politiques de certains participants et à l'exercice de leur droit à la liberté d'expression et de réunion pacifique.

57. Le Rapporteur spécial condamne également la répression des manifestations et les sévères restrictions politiques introduites par les autorités du pays qui portent atteinte aux droits des peuples à la liberté d'expression, de réunion pacifique et d'association. Ces restrictions incluent une interdiction de facto de tous les rassemblements et réunions publiques dans les principales villes du pays. L'interdiction a été imposée en septembre 2016 après une série de grandes manifestations. Le Rapporteur spécial fait appel aux autorités de la RDC en leur demandant lever l'interdiction des manifestations et de faire en sort que les forces de l'ordre puissent s'abstenir d'utiliser des armes létales et la force excessive dans le cadre de la gestion des manifestations.

58. Le Rapporteur spécial regrette particulièrement le fait que ces violations des droits de l'homme et les mesures restrictives aient touché des jeunes défenseurs des droits de l'homme appartenant aux mouvements de jeunes citoyens comme « La Lutte pour le Changement » (LUCHA), un mouvement d'action civique de jeunes citoyens créé en 2012 à Goma. L'organisation, connue pour ses actions pacifiques et non violentes, œuvre pour la justice sociale et le respect des droits de l'homme. Le 28 novembre 2015, neuf personnes dont deux défenseurs des droits de l'homme appartenant au LUCHA auraient été arrêtées lors d'une manifestation pacifique à Goma organisée par LUCHA. Selon les dernières informations disponibles, les neuf manifestants seraient depuis poursuivis pour « association de malfaiteurs », « provocation à la désobéissance aux lois de la République », et « outrage aux autorités». Le 26 octobre 2016, 18 membres du LUCHA, dont deux femmes, auraient été arrêtés par la police en relation avec la préparation des manifestations du 26 octobre 2016. Une personne aurait réussi à s'échapper, et 14 personnes, dont les deux femmes, auraient été libérées. Les autres membres seraient toujours en détention.

59. Le Rapporteur spécial exprime sa préoccupation quant à l'arrestation, la détention et la condamnation de deux membres de LUCHA MM. B Matumo et Kambale Kapitene ainsi que M. V. Tesongo par le Tribunal de Paix de Kinshasa/Gombe à une peine d'un an d'emprisonnement ainsi qu'à une amende pour « diffusion de rumeurs » et « incitation à la désobéissance ». Les chefs d'accusation portés à leur encontre semblent être directement liées à leur activité politique ainsi qu'à l'exercice de leurs droits à la liberté d'expression et d'opinion ainsi qu'à la liberté de réunion pacifique et d'association. Le Rapporteur spécial appelle à la libération immédiate et inconditionnelle des trois défenseurs de droits de l'homme.

60. Le Rapporteur spécial ne peut qu'insister sur le fait que la répression ciblée des voix dissidentes de la société civile et des jeunes défenseurs des droits humains est contraire aux principes démocratiques. À cet égard il souhaite rappeler le rapport de l'ancien Représentante spéciale du Secrétaire général sur la situation des défenseurs des droits de l'homme présenté en 2007, qui recommande aux États de créer un environnement sûr et favorable pour les jeunes adultes et les étudiants leur permettant de participer à des manifestations. Celles-ci permettent en effet aux jeunes citoyens de réaliser leurs premières expériences de participation à la vie publique et de défense des droits de l'homme.

61. Le brouillage des émissions de radio et l'arrestation de journalistes à un moment de grande tension politique, constitue un autre point de préoccupations majeures. La liberté d'expression en RDC est de plus en plus menacée par la pénalisation des voix critiques, notamment par l'imposition de peines sévères. Le Rapporteur spécial rappelle que le Gouvernement a la responsabilité de défendre les droits des peuples à la liberté

d'expression et aux médias indépendants et devrait également promouvoir et protéger ces droits.

62. Le Rapporteur spécial souligne également ses préoccupations en ce qui concerne l'accord de dialogue national qui risquerait de restreindre encore plus les activités de la société civile. Un Dialogue National entre le Gouvernement et les partis d'opposition a été ouvert le 1 septembre 2016. Certains partis de l'opposition n'ont cependant pas pris part au dialogue, considérant que les conditions de leur participation n'étaient pas satisfaisantes. Le 17 octobre 2016, un accord politique a été adopté par les participants au Dialogue qui demande, entre autre, au Gouvernement de « mettre urgemment en place des mécanismes de contrôle des activités des ONG tant nationales qu'internationales », ce qui comporte le risque de légitimer de nouvelles restrictions aux activités légales et légitimes des ONG.

63. Le Rapporteur spécial condamne avec la plus grande fermeté l'exécution extrajudiciaire de M. Evariste Kasali, un défenseur des droits de l'homme originaire de la RDC. Le 17 mars 2016, M. Kasali, coordonnateur de l'Organisation Populaire pour la Paix, aurait été exécuté par des hommes en uniforme à Kavumu. Le Rapporteur spécial est particulièrement inquiet par le fait que l'exécution de M. Kasali serait liée à son activité de défenseur des droits de l'homme et à l'exercice légitime de ses droits à la liberté d'expression et d'association. Le Rapporteur spécial se félicite du fait que les autorités ont procédé à l'arrestation d'un ou de plusieurs auteurs présumés de ce crime et espère que les personnes impliquées feront face à des procédures judiciaires en bonne et due forme.

64. Le Rapporteur spécial se félicite de la libération provisoire du défenseur des droits de l'homme M. J-M. Kalonji en août 2016, mais reste préoccupé par le fait qu'il est poursuivi par la Justice pour « atteinte à la sûreté de l'État et appel à la désobéissance civile ». Le Rapporteur spécial réitère ses préoccupations quant à l'arrestation et à la détention arbitraires, et aux allégations de torture et de mauvais traitements de M. Kalonji, qui avait été détenu dans des conditions carcérales inhumaines. Ces actions semblent être directement liées aux activités légitimes et pacifiques de M. Kalonji en faveur de la démocratie et de la défense des droits de l'homme dans l'exercice de ses droits à la liberté d'expression et d'opinion, ainsi qu'à la liberté de réunion pacifique et d'association. Le Rapporteur spécial souhaite rappeler au Gouvernement le caractère absolu et non-dérogeable de la prohibition de la torture et autres mauvais traitements tels que codifiés aux articles 2, et 16 de la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, que la République Démocratique du Congo a ratifiée le 18 Mars 1996.

Djibouti

65. JUA 29/12/2015 Case no: DJI 2/2015 State reply: 11/01/2016

Allégations concernant l'usage excessif et de manière indiscriminée de la force par les forces de sécurité, dans le cadre d'affrontements entre des manifestants et les autorités le 21 décembre 2015.

66. JUA 02/02/2016 Case no: DJI 1/2016 State reply: none to date

Allégations de condamnation et détention arbitraire M. Omar Ali Ewado, défenseur des droits de l'homme.

67. Le Rapporteur spécial remercie le Gouvernement de Djibouti pour la réponse détaillé fournie à sa lettre de 29 décembre 2015. Il prend note des explications fournies par le Gouvernement concernant l'introduction de l'état d'urgence dans le pays en novembre-décembre 2015 dans le contexte d'un risque élevé d'attentats terroristes. Le Rapporteur spécial comprend la nécessité d'une vigilance accrue face aux graves problèmes de sécurité auxquels font face les autorités de Djibouti. Il est également pleinement conscient de la

responsabilité des forces de l'ordre pour garantir la sécurité publique et l'ordre public. Tout en reconnaissant la pertinence des arguments détaillés dans la réponse du Gouvernement, le Rapporteur spécial voudrait référer le Gouvernement à la résolution 22/6 du Conseil des droits de l'homme qui prie instamment les États de veiller à ce que les mesures de lutte contre le terrorisme et la préservation de la sécurité nationale restent en conformité avec les obligations en vertu du droit international et n'entravent pas le travail et la sécurité des individus, des groupes et des organes de la société engagés dans la promotion et la défense des droits de l'homme.

68. Le Rapporteur spécial regrette profondément l'usage excessif et indiscriminé de la force, dont l'utilisation d'armes à feu à balles réelles tuant au moins 27 personnes et blessant 150 autres, par les forces de sécurité djiboutiennes dans le cadre d'affrontements entre des manifestants et les autorités le 21 décembre 2015. Il réitère aussi ses vives préoccupations quant aux allégations concernant la répression d'une réunion pacifique organisée ce même jour par l'Union pour le Salut National, blessant gravement plusieurs participants.

69. Le Rapporteur spécial se félicite de la libération de M. Omar Ali Ewado, défenseur de droits de l'homme et membre fondateur de la Ligue Djiboutienne des Droits Humains le 14 février 2016 par la Cour d'Appel qui a déclaré que les éléments constitutifs qui avaient servi à son incarcération n'étaient pas valables. M. Ewado avait été condamné à trois mois de prison pour « diffamation publique », pour avoir publié une liste des victimes et disparus lors des événements violents qui auraient eu lieu à Djibouti-ville le 21 décembre. Le Rapporteur spécial fait appel au Gouvernement de Djibouti pour qu'il veille à ce que les défenseurs des droits de l'homme à Djibouti puissent travailler dans un environnement sûr et favorable, où ils peuvent mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

Ethiopia

70. JUA 28/12/2015 Case no: ETH 5/2015 State reply: none to date

Allegations of violent repression of peaceful protests against the "Addis Ababa Integrated Development Master Plan" in the Oromia region since mid-November 2015, which has reportedly led to the killing of at least 75 people and numerous injured protesters, as well as the lack of investigation against the use of violence by the police and security forces, and the alleged arrest, detention and disappearances of several protesters.

71. JUA 02/09/2016 Case no: ETH 2/2016 State reply: none to date

Allegations concerning killing of at least 500 people, and the injury, detention and enforced disappearance of thousands of individuals in the context of protests organized in Ethiopia, particularly in the Oromia and Amhara regions, since November 2015.

72. JUA 07/10/2016 Case no: ETH 5/2016 State reply: none to date

Allegations of violent repression of the exercise of the right to peaceful assembly and freedom of expression through the excessive use of force, especially the use of lethal force by law enforcement officials in responding to protests since November 2015 in particular in the Oromia, Amhara and Konso regions.

73. PR [illegible]

UN experts urge Ethiopia to halt violent crackdown on Oromia protesters, ensure accountability for abuses.

74. PR [illegible]

Ethiopia: UN experts call for international commission to help investigate systematic violence against protesters.

75. The Special Rapporteur regrets that no reply has been received from the Government of Ethiopia to the letters addressed by the Special Rapporteur in the reporting period especially with a view to the serious and highly preoccupying nature of allegations contained in these letters. He encourages the Government to engage in full-fledged cooperation with the mandates of the Special Procedures of the Human Rights Council.

76. The Special Rapporteur reiterates his grave concerns voiced jointly by other independent experts of the United Nations in relation to the violent crackdown on peaceful protests, which has reportedly led to the death of over 600 people since November 2015 in Ethiopia. The Special Rapporteur remains extremely concerned by numerous reports that those arrested had faced torture and ill-treatment in military detention centres.

77. The Special Rapporteur, together with other independent experts of the United Nations, has jointly voiced particular concern over the use of the Anti-Terrorism Proclamation to justify the growing violent repression of protests. The Special Rapporteur also reiterates his concern at reported internet shutdowns, which represent additional undue limitations to the right to freedom of expression.

78. The Special Rapporteur reaffirms the joint message addressed by United Nations independent experts to the Government of Ethiopia urging authorities to immediately release protesters who seem to have been arrested for exercising their rights to freedom of peaceful assembly and expression, to reveal the whereabouts of those reportedly disappeared and to allow an international independent commission of inquiry to investigate the violence used against peaceful demonstrators, including the particularly alarming allegations of acts of mass killings, arrests and hundreds of enforced disappearances.

Gabon

79. JAL 22/09/2016 Case no: GAB 1/2016 State reply: 05/10/2016; 18/11/2016

Allégations concernant l'arrestation et la détention arbitraire de manifestants ainsi que de défenseurs des droits de l'homme, l'usage excessif de la force dans le cadre des manifestations du 31 août 2016, qui ont conduit au décès de plusieurs personnes.

80. Le Rapporteur spécial remercie le Gouvernement de Gabon pour la réponse fournie à sa lettre du 22 septembre 2016 concernant des allégations d'arrestations et de détentions arbitraires de manifestants ainsi que de défenseurs des droits de l'homme, l'usage excessif de la force dans le cadre des manifestations du 31 août 2016, qui ont notamment conduit au décès de plusieurs personnes. Il prend note de l'information fournie par le Gouvernement du Gabon qualifiant les évènements du 31 août 2016 non comme des manifestations, mais plutôt des « attroupements », les dérapages constatés lors des rassemblements publics et les enquêtes judicaire ouvertes suite à ces évènements, les nombreuses incarcérations et les inculpations qui ont eu lieu suite aux procédures judiciaires. Il reconnaît le rôle important que doivent assurer pleinement les forces de l'ordre pour garantir la sécurité publique et la défense de l'ordre public.

81. Cependant tout en regrettant les violences commises par certains individus au cours des manifestations en réaction aux résultats des élections, le Rapporteur spécial réitère ses profondes préoccupations concernant l'arrestation et la détention arbitraires de manifestants y compris des défenseurs des droits de l'homme, ainsi que l'usage excessif de la force dans le cadre des manifestations. Ces actions des autorités semblent être directement liées au

statut d'opposants politiques de certains participants et à l'exercice de leurs droits à la liberté de réunion pacifique et à la liberté d'expression.

82. Le Rapporteur spécial demande vivement au Gouvernement du Gabon de veiller à ce que le contrôle des manifestations soit strictement conforme aux normes internationales relatives aux droits de l'homme, y compris les Principes fondamentaux des Nations Unies sur l'emploi de la force et des armes à feu. Il encourage le Gouvernement à veiller à ce que cet engagement se traduise par une gestion appropriée des manifestations, en encourageant toutes les parties à engager un dialogue constructif et à s'abstenir de toute violence.

Kenya

83. JAL 31/03/2016 Case no: KEN 1/2016 State reply: none to date

Allegations of increasing intimidation, harassment and criminalization of journalists, bloggers, online content creators and social media users in Kenya.

84. JUA 26/05/2016 Case no: KEN 3/2016 State reply: none to date

Alleged violent repression of peaceful protests by employing excessive use of force in different cities in Kenya since early 2016, escalating on 25 April, 9 May, 16 May and 23 May 2016.

85. JAL 26/07/2016 Case no: KEN 4/2016 State reply: none to date

Allegations concerning disappearance, torture and extra-judicial executions of human rights defenders Mr. Willie Kimani, Mr. Josephat Mwenda and Mr. Joseph Muiruri.

86. JUA 09/11/2016 Case no: KEN 5/2016 State reply: none to date

Allegations concerning violent repression of peaceful protests in Nairobi, which has reportedly led to numerous injured protesters, and arbitrary detentions.

87. PR 7/28/2016

"High time to end police impunity" – UN experts raise alarm at on-going pattern of extrajudicial killings in Kenya.

88. PR 11/10/2016

UN experts criticize Kenya police for excessive use of force against peaceful protesters.

89. The Special Rapporteur regrets that no reply has been received from the Government of Kenya to any of the letters addressed to the Government by the Special Rapporteur in the reporting period especially given the serious and highly preoccupying nature of allegations contained in these letters. He urges the Government to provide him with replies substantially addressing the issues raised.

90. The Special Rapporteur reiterates his utmost concern about allegations of widespread police brutality and serious human rights abuses by Kenyan security forces as well as the on-going pattern of extrajudicial executions in Kenya marked by a disturbingly long list of enforced disappearances and extrajudicial killings. In a 2015 preliminary report about alleged human rights violations by security agencies in relation to counter-terrorism measures, the Kenya National Commission on Human Rights has documented a list of widespread and systematic human rights violations which include extrajudicial killings, enforced disappearances, as well as arbitrary arrests, extortion, illegal detention and torture.

91. The Special Rapporteur reiterates his grave concern at the disappearance, torture and executions of human rights lawyer, Mr. W. Kimani, as well as Mr. J. Mwenda and Mr. J. Muiruri, allegedly perpetrated by police forces. Those actions seem to be directly related to

Mr. Kimani's legitimate work as a lawyer and human rights defender in the defence of Mr. Mwenda's rights as a victim of excessive use of force by the police. On 1 July 2016, Mr. Kimani, Mr. Mwenda and Mr. Muiruri were found in a river in Ol-Donyo Sabuk, Machakos county, with apparent signs of torture, one week after they had been abducted by unidentified persons. In a joint statement with other independent experts of the United Nations, the Special Rapporteur stated: "The murder of Mr. Kimani, who was renowned for his work with the International Justice Mission, which fights police abuse of power, among many other rights violations, is a dramatic loss for the human rights community in Kenya."

92. The Special Rapporteur is convinced that the structural and systemic motives behind police brutality in Kenya need to addressed with full-fledged commitment on behalf of authorities and as a matter of utmost urgency, including but not be limited to, providing adequate support and capacity to the Independent Police Oversight Authority in Kenya. The disappearances and killings of human rights defenders are having a dramatic and detrimental impact on the peaceful and legitimate functioning of democratic civil society as a whole. In this regard, he wishes to recall the importance for human rights defenders to exercise their human rights and fundamental freedoms free from intimidation or fear of reprisals. He urges the Government to put an end to police violence and ensure full accountability for any alleged perpetrators, including imposition of penal, disciplinary or administrative sanctions.

93. The Special Rapporteur expresses concern at the allegations of increasing intimidation and harassment, as well as physical attacks (including one killing) against human rights defenders, journalists, bloggers, online content creators and social media users through application of domestic legislation. This includes utilizing section 29 of the Information and Communication Act to target those with dissenting views, especially, those who are critical of the Government and its officials. This also encompasses reports and allegations of corruption, misconduct of politicians or public officials, or other cases of public interest. It is reported that since 2015 the number of cases of criminalization and arrests of journalists, bloggers, online content creators and social media users has significantly increased. Further reports indicate that since January 2016, at least 13 bloggers have allegedly been arrested or summoned for questioning by the Directorate of Criminal Investigations in relation to messages shared through internet platforms and telecommunication devises.

94. The Special Rapporteur urges Kenyan authorities to refrain from the dangerous practice of criminalizing free speech and critical reporting which imposes undue restrictions to the legitimate exercise of the right to freedom of expression –both online and offline – as provided under article 19 of the ICCPR, ratified by Kenya in 1972.

95. The Special Rapporteur remains deeply concerned by the increasing and extremely alarming pattern of violent repression, including the lethal use of live ammunition, of largely peaceful protests which have reportedly led to several deaths, in addition to numerous injured protesters, arrests and detentions in Kenya. Various demonstrations were organized by the Coalition for Reforms and Democracy seeking removal of commissioners of the Independent Electoral and Boundaries Commission, including on 25 April, 9 May and 16 May and 23 May 2016. On 16 May, the police and military forces violently repressed several demonstrations in Kisumu, Nairobi, Kisii and Machakos, through the use of live ammunition, tear gas and water cannons to break up protests. There are also reports of beatings as well as the arrest and detention of fifteen protesters, including human rights defenders, civil society activists, and journalists, by security forces following the protests in various cities across the country, some being charged with illegal participation in protests. According to information received, on 23 May 2016, police used excessive force, including the firing of live bullets and tear gas in order to disperse demonstrators. In Kisumu, at least one person –an innocent bystander - was reportedly killed and eleven individuals were injured. In Siaya, two individuals were allegedly shot and killed by the Police and six were injured. On 3 November 2016, a peaceful demonstration of roughly 300 people took place

in Nairobi, during which time the Police allegedly cordoned off the location where protests were taking place, and discharged tear gas canisters at the crowd. Journalists covering the event were also allegedly beaten and their equipment was damaged. At least 24 individuals were arrested and detained.

96. The Special Rapporteur underlines that under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. Moreover, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. The use of force and firearms must as far as possible be avoided, with non-lethal means being applied before resorting to lethal means.

97. The Special Rapporteur urges the Government of Kenya to investigate all claims of excessive use of force and arbitrary arrest, against human rights defenders, journalists and ordinary demonstrators and to hold all perpetrators accountable. The Special Rapporteur also calls on the Kenyan authorities to respect, protect and promote demonstrators' fundamental rights at future protests.

Lesotho

98. JAL 29/07/2016 Case no: LSO 2/2016 State reply: 22/09/2016

Allegations concerning the shooting of Mr. Mutungamiri, which appears to be directly related to the exercise of his right to freedom of expression during the performance of his profession as a journalist and editor of Lesotho Times.

99. The Special Rapporteur thanks the Government for the response provided to his letter of 29 July 2016 and takes note of details provided regarding existing legal safeguards and restrictions regarding freedom of opinion and expression in the country. He urges the Government of Lesotho to refrain from applying defamation provisions which can result in significant limitations to the free exercise of the right to freedom of opinion and expression and create significant barriers for the work of journalists and human rights defenders.

100. The Special Rapporteur condemns in the strongest possible terms the shooting of Mr. Lloyd Mutungamiri, editor of the Lesotho Times newspaper. Mr. Mutungamiri, a journalist and human rights defender, was shot by gunmen as he arrived at his home in Ha Thamae, Maseru and was hospitalised in critical condition. The Special Rapporteur is particularly concerned by the chilling effect which this attack will produce on the functioning of civil society in Lesotho. He takes note of information provided by the authorities regarding open investigations into this deplorable attack which targeted not only Mr. Mutungamiri but the legitimate exercise of the right to freedom of expression in Lesotho as a whole. The Special Rapporteur looks forward to receiving information about the results of these investigations, with a hope that the perpetrators and executers of this deplorable attack will be identified within short delays and brought to justice.

Mozambique

101. JAL 25/08/2016 Case no: MOZ 2/2016 State reply: 29/08/2016 (A)

Allegations concerning state-owned entities in Mozambique having received previously undisclosed Government guaranteed loans amounting to $1.4 billion USD pushing the public debt stock of the country to levels exceeding 85% of GDP as well as

alleged intimidation, death threats, abduction and shooting of human rights defenders, who have demanded transparency and accountability after the disclosure of the 'secret loans'.

102. The Special Rapporteur takes note of the reply provided by the Government of Mozambique to his letter of 25 August 2016 but regrets that it was to merely to acknowledge receipt of the communication sent.

103. The Special Rapporteur remains concerned by the consequences of Mozambique's debt crisis and the suspension of emergency lending and budgetary support on the enjoyment of economic, social and cultural rights. He is highly alarmed by allegations that human rights defenders and members of opposition parties who demanded public transparency and accountability and expressed concern about the debt crisis have been subjected to attacks, death threats and intimidation following the disclosure of the loans.

104. The Special Rapporteur reiterates his serious concern regarding the shooting of Mr. José Jaime Macuane, a human rights defender working on transparency issues and a television commentator. He was reportedly abducted by unknown persons on his way to work, driven outside of the city centre of Maputo, then dumped on a road, shot several times in his legs, and abandoned at the spot. The Special Rapporteur notes with regret that the alleged intimidation, death threats, attacks against human rights defenders and the abduction and shooting of Mr. Macuane appear to be in direct connection with his activities aimed at protection and promotion of human rights. He is concerned that these incidents may be aimed at silencing voices that are critical of the debt deals, and may have a deterrent effect on the public debate of an issue of significant public interest.

105. The Special Rapporteur calls upon the Government to investigate the alleged attacks, intimidation and abduction of human rights defenders and members of opposition parties in Mozambique and impose penal, disciplinary or administrative sanctions on any alleged perpetrators. He urges the Government to provide information regarding the results of police investigations into the abduction and shooting of Mr. Macuane and the identification of possible suspects. The Special Rapporteur calls upon authorities to ensure that human rights defenders, including those working on issues related to financial transparency are able to carry out their legitimate work in a safe and enabling environment.

Nigeria

106. JAL 10/02/2016 Case no: NGA 1/2016 State reply: none to date

Alleged restrictions on the right to freedom of expression in provisions of the draft Bill entitled "An Act to Prohibit Frivolous Petitions; and Other Matters Connected Therewith".

107. The Special Rapporteur welcomes the withdrawal and suspension of further consideration of the controversial draft Bill called "An Act to Prohibit Frivolous Petitions; and Other Matters Connected Therewith" by the Senate of Nigeria in May 2016. If approved, the Bill would impose undue restrictions on the legitimate exercise of the right to freedom of expression, as provided under article 19 of the ICCPR, ratified by Nigeria in 1993. Furthermore, it would have serious negative implications on the work of human rights defenders, journalists and whistle-blowers, who could be prosecuted for expressing and publishing legitimate criticism of government or reporting public officials' misconduct, including cases of corruption.

Rwanda

108. JAL 05/07/2016 Case no: RWA 1/2016 State reply: 22/09/2016

Allegations concerning human rights defender Mr. Epimack Kwokwo, declared persona non grata and arbitrarily expelled as an act of reprisal for his legitimate and peaceful human rights work, his cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

109. The Special Rapporteur thanks the Government of Rwanda for the reply provided to the communication of 5 July 2016. The Special Rapporteur takes note of explanations provided regarding immigration policies and about the fact that Mr. Kwokwo was declared as an 'undesirable person' in Rwanda, a status which apparently allows him to re-enter Rwanda if he complies with the requirements that led to his exclusion. The Special Rapporteur also takes note of reassurances regarding the fact that measures taken in respect of Mr. Kwokwo are not related to his activities as a human rights defender and wishes to underline the utmost importance he attaches to the legitimate cooperation of human rights defenders with the United Nations human rights bodies and mechanisms.

110. The Special Rapporteur wishes to remind Rwandan authorities that the work of human rights defenders is a vital element of a striving democratic society and that the State bears the ultimate responsibility to ensure a safe and enabling environment in which human rights defenders can carry out their work. This responsibility includes protecting them from any form of reprisals for their cooperation with UN and other international human rights bodies and mechanisms.

Sierra Leone

111. JAL 17/12/2015 Case no: SLE 2/2015 State reply: none to date

Allegations of systemic judicial harassment of land rights defenders in the context of three criminal cases that were brought against members of the Malen Land Owners and Users Association (MALOA).

112. The Special Rapporteur regrets the absence of a response from the Government of Sierra Leone to the communication sent and urges the authorities to take urgent and substantial measures to prevent and redress the judicial harassment and systematic persecution of human rights defenders in Sierra Leone.

113. The Special Rapporteur reiterates the concern expressed at the alleged systematic persecution of members of Malen Land Owners and Users Association (MALOA) through judicial harassment in relation to their legitimate land rights advocacy in the Malen region. MALOA is a land-grab resistance group that monitors, documents and denounces human rights violations and the negative human rights impact resulting from activities of multi-national agricultural companies in the Malen region of Sierra Leone.

114. The Special Rapporteur attaches particular importance to the protection of defenders who are advocating for land and environmental rights and is particularly alarmed by the risks and dangers to which they are systematically exposed to by state and non-state actors in different regions of the world. In this regard he wishes to refer the Government to his Report presented at the 71st session of the UN General Assembly[1], in which he urges all States to reaffirm and recognize the role of environmental and land defenders and respect, protect and fulfil their rights. The Special Rapporteur notes with satisfaction that the Government of Sierra Leone has accepted a recommendation during the second cycle of

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[1] A71/281.

UPR to strengthen the protection of human rights defenders against harassment and persecution.

Somalia

115. JUA 13/04/2016 Case no: SOM 1/2016 State reply: none to date

Alleged infringement on the rights to freedom of association and freedom of expression of the Federation of Somali Trade Unions (FESTU) and the National Union of Somali Journalists (NUSOJ) and failure of Somali authorities to conduct investigations.

116. JUA 03/05/2016 Case no: SOM 2/2016 State reply: none to date

Alleged acts of reprisal against the Secretary General of two Somali trade unions for his cooperation with the International Labour Organization (ILO).

117. PR 5/4/2016

UN rights experts raise alarm at growing persecution against trade unionists.

118. The Special Rapporteur regrets that no reply has been received from the Government of Somalia to the letters addressed by the Special Rapporteur in the reporting period and hopes to receive answers shortly.

119. The Special Rapporteur is particularly alarmed by the increasing number of threats, acts of intimidation and reprisals from both anonymous sources and State officials against members of prominent Somali trade unions. Since 2011, members and leaders of the Federation of Somali Trade Unions (FESTU) and the National Union of Somali Journalists (NUSOJ) have frequently been arrested and interrogated on their union and human rights activities, and have faced undue travel restrictions. NUSOJ Secretary-General, Mr. O. F. Osman, and its Organizing Secretary, Mr. A.S. Mohamed, have been particularly targeted.

120. The Special Rapporteur reiterates his concerns about the threats and reprisals against Mr. Osman, despite assurances made by the Government during the recent mission to the country by the UN Independent Expert on the human rights situation in Somalia that it would respond to the concerns raised by a group of UN experts on 13 April 2016.

121. The Special Rapporteur expresses serious concern regarding the fact that Mr. Osman was subject to an assassination attempt in Mogadishu in December 2015. An investigation has reportedly been carried out, but it has been inconclusive. In April 2016, Mr. Osman was informed that the State Attorney General (SAG), the Chief Legal Advisor to the Federal Government and the Government's Chief Law Enforcement Officer had submitted a complaint against him. This complaint supposedly followed a letter sent by the International Labour Organization to the Somali Government on 22 February 2016 urging the Government to respect their international obligations regarding the rights to freedom of association and assembly. The complaint signed by SAG requests for a criminal case to be brought against Mr. Osman, citing, inter alia that "he harms the relations between the Government and international organizations" and "he spreads issues that would harm the reputation of the Somali Government".

122. In relation to the above-mentioned allegations, the Special Rapporteur wishes to highlight two landmark resolutions of the Human Rights Council, notably resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights and resolution 24/24 calling on States to refrain from and ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights.

123. The Special Rapporteur wishes to remind the Government of Somalia that States have the obligation to respect and fully protect the rights of all individuals, including trade unionists, and urges the Government to undertake measures to put an end to the continuous acts of intimidation and reprisals against members and leaders of Somali trade unions.

South Sudan

124. JUA 21/07/2016 Case no: SSD 3/2016 State reply: none to date

Allegations concerning arrest and detention of editor in Chief of The Juba Monitor Mr. Alfred Taban.

125. The Special Rapporteur welcomes the release on bail of Mr. Alfred Taban, a journalist and human rights defender after about two weeks in detention, allowing him to receive the needed healthcare services. He remains concerned that Mr. Taban still reportedly faces charges which seem to be directly related to the exercise of his right to freedom of expression in the performance of his profession as a journalist. The Special Rapporteur expresses concern at the broader effect of the judicial harassment faced by Mr. Taban which can produce a chilling effect on civil society in general, and on the independence of the media and access to information in particular.

South Africa

126. JAL 31/05/2016 Case no: ZAF 1/2016 State reply: none to date

Allegations regarding the assassination of Mr. Sikhosiphi Rhadebe, an environmental defender and founder of Amadiba Crisis Committee.

127. The Special Rapporteur expresses grave concern at the assassination of Mr. Sikhosiphi Rhadebe, an environmental defender and founder of Amadiba Crisis Committee (ACC), which appears to be directly related to his role as chair of the ACC, his legitimate human rights work in the promotion of human rights, the protection of the rights of the Xolobeni community, and the exercise of his right to freedom of association and to freedom of expression in opposition to the mining operations in the area. ACC is an advocacy group launched in 2007 to campaign for the rights of the residents of the Xolobeni community in the Eastern Cape, South Africa and has been at the forefront of a campaign opposing open-cast mining of titanium in the Xolobeni area by Mineral Commodities Limited, a mining company registered in Australia. Mr. Rhadebe is reportedly the fifteenth opponent of the mining venture to be killed, including other members of ACC. The Special Rapporteur laments the death of Mr. Rhadebe, which highlights the increasingly volatile relationship between corporations and human rights defenders. He is particularly alarmed and deeply saddened by the recurring pattern of systematic assassinations of environmental defenders in different regions of the world.

128. The Special Rapporteur is aware that an investigation into the murder of Mr. Rhadebe has reportedly been handed over to the Directorate for Priority Crime Investigation. He urges the authorities of South Africa to cooperate with the mandate and provide information regarding the possible outcomes of undertaken investigations into the assassination of Mr. Rhadebe, information about any judicial inquiry or other investigation with respect to the past fourteen cases of assassination of opponents of the mining venture as well as measures taken to protect members of the ACC and other opponents of the mining venture.

129. The Special Rapporteur reiterates his concerns about the situation of numerous other individuals who are expressing opposition to the mining operations and who have been victims of repeated acts of intimidation, violence and assassinations. He underlines the

urgent need for increased protection measures by state authorities of defenders who are advocating for environmental rights in the context of the operation of extractive industries. He wishes to refer the Government of South Africa to his Report A71/281 presented at the 71st session of the United Nations General Assembly, in which he urges all States to reaffirm and recognize the role of environmental defenders and respect, protect and uphold their rights.

The Sudan

130. JAL 28/12/2015 Case no: SDN 7/2015 State reply: 01/03/2016 (A), 17/03/2016, 11/04/2016

Alleged acts or intimidation and reprisal against three Darfuri students, Mr. Abdelmagid Mohammed Adam Hamdam, Mr. Hassabelnabi Mahmoud Hassabelnabi and Ms. Sadia Alshkh Kadouk Hussin, and a human rights defender and translator, Ms. Nagda Mansour Adam.

131. JUA 05/04/2016 Case no: SDN 2/2016 State reply: none to date

Alleged raid on the premises of the Khartoum Centre for Training and Human Development (TRACKS), by State officials and detention and questioning of several members and affiliates of the organization.

132. JAL 09/05/2016 Case no: SDN 4/2016 State reply: none to date

Allegations of travel bans issued against four human rights defenders as an act of reprisal for their cooperation with the United Nations human rights mechanisms and in relation to the exercise of their right to freedom of opinion and expression.

133. JUA 25/08/2016 Case no: SDN 6/2016 State reply: none to date

Allegations concerning imposition of the death penalty upon six members, including two women, of the Khartoum Centre for Training and Human Development (TRACKS), allegedly in connection with their legitimate exercise of the rights to freedom of expression and association.

134. PR *8/31/2016*

Sudan: UN rights experts condemn charges of death penalty crimes for human rights activists.

135. The Special Rapporteur thanks the Government of the Sudan for the responses sent to its letter of 28 December 2015 however notes that they address only partially the concerns raised in the communication letter. The Special Rapporteur regrets that at the time of finalization of this report, no responses had been received to the remaining communications sent, especially given the very serious nature of allegations. He encourages the Government to engage in full cooperation with the mandates of the Special Procedures of the Human Rights Council.

136. The Special Rapporteur expresses concern regarding the situation of human rights defenders in the Sudan, including reports of continued arbitrary arrest, detention, and bringing of unfounded judicial processes against human rights defenders. He notes with regret the increasing trend to threaten, harass, prosecute or intimidate human rights defenders, including women human rights defenders in the Sudan. Further concern is expressed regarding the wider atmosphere of fear faced by human rights defenders in the country when reporting on human rights violations, in particular when it concerns gender-based violence.

137. The Special Rapporteur reiterates his grave concerns about the criminal charges brought against, and trial of, six human rights defenders, including two women, who are

staff members and affiliates of the Centre for Training and Human Development (TRACKS), and the on-going arbitrary detention of three of them in what appears to be an attempt to hinder them in the continuance of their legitimate and peaceful human rights activities. The criminal charges, if the defendants are found guilty, can lead to the application of the death penalty. The Special Rapporteur would like to bring to the attention of the Government that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) of the ICCPR, ratified by the Sudan in 1986 provides that countries which have not abolished the death penalty may only impose it for the most serious crimes. The Special Rapporteur also refers to the Moratorium on the death penalty reaffirmed by the United Nations General Assembly resolution 62/149, which calls on States that maintain the death penalty to establish a moratorium on the use of the death penalty with a view to abolition, and to restrict the number of offences which it punishes. The Special Rapporteur strongly urges the Government to take all necessary measures to guarantee that human rights defenders are subject to fair proceedings before an independent and impartial tribunal.

138. The Special Rapporteur wishes to draw special attention to his heightening concern for acts of reprisals faced by human rights defenders in the Sudan, including acts of intimidation and travel restrictions against students and human rights defenders for cooperating with the United Nations Special Rapporteur on violence against women, its causes and consequences as well as with the UPR mechanism. The Special Rapporteur wishes to draw attention to resolution 24/24 of the Human Rights Council which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and to take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities.

139. The Special Rapporteur reiterates concerns conveyed by the UN Independent Expert on the situation of human rights in the Sudan, who visited the country in April 2016, about cases of arbitrary arrests and detention, as well as allegations of ill-treatment of human rights defenders by security forces. In this regard, he underlined deep concerns about the National Security Service Act, which provides powers of arrest and detention to the National Intelligence and Security Service as well as procedural immunity for acts that should be subjected to criminal liability.

140. The Special Rapporteur wishes to underline the crucial role played by human rights defenders in the Sudan and stresses the urgent need for the Government to take all necessary measures which will allow them to carry out their activities in an open, safe and conducive environment. In this context the Special Rapporteur notes with satisfaction that the Sudan has accepted recommendations during the second cycle of UPR aimed at protecting human rights defenders and journalists, facilitating their work as well as refraining from criminalizing the legitimate activities of human rights defenders and journalists and repealing or amending all laws and policies which restrict their activities and rights.[2]

Uganda

141. JUA 21/04/2016 Case no: UGA 2/2016 State reply: none to date

Allegations of acts of intimidation, reprisals and threats towards Mr. Douglas Bulongo, a human rights defender which seem to be related to his legitimate and

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[2] A/HRC/33/8/Add.1.

peaceful activities in the promotion of environmental human rights as well as his cooperation with the United Nations human rights mechanisms.

142. JAL 30/05/2016 Case no: UGA 3/2016 State reply: none to date

Allegations of the arbitrary arrest and charges brought against Mr. Soloman Akugizibwe and Mr. Kizza Besigye, which appear to be in retaliation for their peaceful and legitimate human rights work, political activities and the exercise of their rights to peaceful assembly and association, and the right to freedom of expression.

143. JUA 17/06/2016 Case no: UGA 4/2016 State reply: none to date

Allegations of acts of intimidation and threats towards Mr. Mamert, which seem to be related to his legitimate and peaceful activities in the promotion of environmental human rights through the exercise of his rights to freedom of expression and freedom of association.

144. JAL 29/06/2016 Case no: UGA 5/2016 State reply: 08/07/2016 (A)

Alleged harassment, theft and intimidation against human rights defenders, Mr. Edward Mwebaza, Ms. Patience Akumu, Ms. Elizabeth Kemingisha, Ms. Joaninne Nanyange and Mr. Adrian Jjuuko, members of the Human Rights Awareness and Promotion Forum (HRAPF), as well as the assassination of the security guard.

145. JAL 29/08/2016 Case no: UGA 6/2016 State reply: none to date

Allegations concerning excessive use of force, arbitrary arrests, detentions, cruel, inhuman and degrading treatments, including threats and intimidation against members of the LGBTI community and human rights defenders working for the protection of the rights of LGBTI people.

146. The Special Rapporteur takes note of the acknowledgement of receipt received for one of the five communications sent during the present reporting period. However, he regrets that, at the time of the finalizing of this report, no substantive reply has been received to any of the communications sent during the present reporting period. He appeals to the Government of Uganda to cooperate fully with the mandate by sending substantive replies to his communications.

147. The Special Rapporteur remains extremely concerned by continuing intimidation, harassment and attacks against human rights defenders in Uganda, including land rights and environmental defenders, and defenders of the rights of LGBTI people.

148. The growing hostile environment over the past years towards LGBTI people in Uganda, which manifests itself in different and extremely alarming forms, remains an issue of major concern. The Special Rapporteur reiterates serious concern at allegations of threats and intimidation, excessive use of force, arbitrary arrests, detentions, cruel, inhuman and degrading treatment directed against members of the LGBTI community and human rights defenders working for the protection of the rights of LGBTI people in Uganda.

149. The Special Rapporteur continues to be concerned by the alleged harassment, theft and intimidation against human rights defenders, Mr. E. Mwebaza, Ms. P. Akumu, Ms. E. Kemingisha, Ms. J. Nanyange and Mr. A. Jjuuko, members of the Human Rights Awareness and Promotion Forum (HRAPF), which seem to be directly related to their human rights work. The HRAPF promotes respect and observance of human rights of marginalised groups. The Special Rapporteur conveys his grave concern regarding the assassination of the security guard of HRAPF, while performing his duties securing the premises of HRAPF, and without whom the safety of the human rights defenders would have been compromised. The Special Rapporteur regrets the reported lack of investigation into this case.

150. The Special Rapporteur welcomes the release on bail of human rights defender Mr. K. Besigye, a member of the Forum for Democratic Change (FDC) who was a candidate in the presidential elections in February 2016 following his arbitrary arrest but reiterates his concerns regarding treason charges which he still reportedly faces and which appear to be in retaliation for his peaceful and legitimate human rights work and political activities.

151. The Special Rapporteur also wishes to reiterate his concerns regarding the situation of human rights defender Mr. S. Akugizibwe who was arrested while monitoring a demonstration by the FDC in Fort Portal and charged with "disobeying lawful orders". The charges brought against him seem closely linked to his peaceful and legitimate human rights work. If sentenced, he will potentially face two years imprisonment.

152. The Special Rapporteur expresses additional concern regarding allegations of acts of intimidation and reprisal, in the form of harassment, arbitrary arrest and detention, and charges of manslaughter, against Mr. D. Bulongo, a human rights defender, which appear to be connected to his cooperation with the United Nations, its representatives and mechanisms in the field of human rights, namely the UPR, and his human rights work favouring the promotion and protection of the rights of refugees.

United Republic of Tanzania

153. JUA 16/09/2016 Case no: TZA 1/2016 State reply: none to date

Allegations concerning arrests of 57 Maasai from the Loliondo community in Ngorongoro District, Northern Tanzania, and the continued threat of further detentions of individuals who are contesting Government plans to provide Maasai ancestral lands to tourism and gaming companies.

154. The Special Rapporteur reiterates his concern regarding the arrests of 57 Maasai from the Loliondo community in Ngorongoro District, Northern Tanzania, including human rights defenders and civil society activists and the continued threat of further detentions of individuals who are contesting Government plans to allocate Maasai ancestral lands to tourism and gaming companies. He particularly laments the fact that these recent allegations add to a long list of reported attacks, forced evictions, arbitrary detention and torture of members of Maasai communities in the Ngorongoro District in the context of earlier allocations of their traditional lands for tourism. Additional serious concern is expressed about the safety and well-being of the aforementioned individuals in the light of allegations of torture and ill-treatment of several of the detained individuals. The Special Rapporteur urges the Government to take action to end physical and judicial attacks against members of the indigenous community, and defenders advocating for the respect of the rights of its members.

Zambia

155. JAL 11/01/2016 Case no: ZMB 4/2015 State reply: none to date

Alleged undue delays in reviewing the application for registration of the Engender Rights Centre for Justice, the subsequent refusal to register it, as well as charges brought against its head, Mr. Paul Kasonkomona.

156. JAL 19/10/2016 Case no: ZMB 2/2016 State reply: none to date

Alleged attacks on press freedom through the closing of the newspaper The Post, the seizure of its assets, the charges brought against two of its editors, Mr. Fred M'membe and Mr. Joseph Mwenda, the charges brought against Mr. M'membe's wife, the arrest of and charges brought against staff members of Muvi TV.

157. The Special Rapporteur reiterates concern at reported undue delays in reviewing the application for registration of the Engender Rights Centre for Justice and the subsequent refusal to register it. These actions seem directly related to the organization's peaceful activities in advocating and speaking out against discrimination and defending the rights of LGBTI persons in Zambia.

158. The Special Rapporteur is deeply concerned by the evident pattern of persistent restrictions to the right to freedom of expression in Zambia through the closing of the newspaper The Post, the seizure of its assets, the charges brought against two of its editors, Mr. F. M'membe and Mr. J. Mwenda, the charges brought against Mr. M'membe's wife, Ms. M.M. M'membe, the arrest of and charges brought against several staff members of Muvi TV, suspension of broadcasting licenses, as well as pressure which has been exerted against media and journalists ahead of the general elections in Zambia.

159. Additional concern is expressed regarding the closure of the independent newspaper The Post and the seizure of its properties for alleged tax evasion by the Zambia Revenue Authority in June 2016. The shutdown of The Post is reportedly the latest in a series of increased pressure against the newspaper. In April 2016, two of The Post's journalists were charged with defamation of the President.

160. The Special Rapporteur urges the Government of Zambia to take all necessary steps to secure the rights to freedom of expression and freedom of association in accordance with fundamental principles set forth in articles 19 and 22 of the ICCPR, ratified by Zambia on 10 April 1984.

AMERICAS REGION

161. During the present reporting period the Special Rapporteur sent 41 communications to 33 countries in the Americas region. He takes note of the response rate of 80% for the region, which marks a notable increase compared to the previous reporting period. The Special Rapporteur thanks the Governments for the increased response rate and substantive replies, which he considers as an important indicator of their engagement with his mandate, and urges those who have not responded to his communications to do so shortly.

162. The Americas remains of the most dangerous parts of the world for defenders. The Special Rapporteur is seriously concerned by the extremely violent environment in which defenders operate and the rampant level of impunity around the violence against them. In the region, there is a pattern of attacks and killings against defenders which is directly connected to their legitimate human rights work that often opposes the interests of powerful businesses, local politicians and elites, as well as illegal armed and criminal groups. He remains concerned by the number of communications sent about threats against human rights defenders and their families, including death threats, both from non-State actors and criminal groups. Moreover, defenders in the region face increasing risks of being arbitrarily arrested and detained in a clear attempt to obstruct their legitimate work and to dissuade them from advocating for the promotion and protection of human rights. In several cases defenders have faced torture and ill-treatment while in detention by State authorities, including police and military officers.

163. The Special Rapporteur wishes to reiterate his concerns at the situation faced by indigenous and afro-descendant human rights defenders as well as land and environmental rights defenders, particularly in the context of large-scale development projects and the operations of extractive industries. The Special Rapporteur identifies a pattern of increased risk for defenders who denounce these projects by highlighting their negative impact on human rights, including the right to free, prior and informed consent of indigenous populations. The situation of women defenders working in such contexts is of particular concern for the Special Rapporteur as they are confronted with extreme forms of violence and abuse, which are based on systemic and structural gender-based discrimination.

164. The Special Rapporteur would like to express his outrage about the continued existing pattern of targeting leaders of indigenous communities who are, in many instances, killed. During the present reporting period, he has received many cases documenting instances of assassination, attempted assassination, harassment, threats and the arbitrary arrest and detention of leaders of indigenous, as well as rural communities. Such abominable acts can be seen as a tactic by certain groups, reinforced by State acts of omission or commission, to suppress demands for respect of human rights. The use of laws, policies, discourse and actions which explicitly and implicitly protect large business, both legal and illegal, at the expense of human rights continues to represent a daunting problem for States in the region. During the reporting period, the Human Rights Council has adopted Resolution 31/32[3] on protecting human rights defenders addressing economic, social and cultural rights. Moreover, the Special Rapporteur has presented a thematic report[4] about the risks faced by those working for the promotion of economic, social and cultural rights, including land and environment issues and the rights indigenous peoples.

165. A further issue of concern that the Special Rapporteur wishes to reiterate are restrictions placed on the legitimate exercise of the rights to freedom of association and peaceful assembly. Such restrictions are not only widespread in the region and disproportionate, but are becoming more intricate and sophisticated. These restrictions are being implemented through legislative and administrative measures which obstruct the work of defenders and NGOs, as well as through intimidation and harassment of peaceful protestors, often by State security and police forces.

166. The Special Rapporteur is particularly concerned at the prevailing impunity surrounding attacks against human rights defenders, which persists as a structural problem within the region. Most of the replies received indicate that investigations are only at the initial phase, months after serious crimes against defenders were committed. He would like to remind States of their obligation to guarantee prompt, impartial and exhaustive investigations with due diligence to establish the responsibility of those materially and intellectually responsible for attacks against defenders, in particular killings. Investigations should look into the possible connection between the crime and the work defenders carry out.

167. During the reporting period, the Special Rapporteur has received 2 reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN, its representatives and mechanisms. He wishes to remind States of the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms. The Special Rapporteur urges all States to prevent and refrain from all acts of intimidation or reprisal, and calls upon them to review legislation, policies and practices that have the effect of undermining unhindered access to and communication with international bodies, and to avoid adopting any such new legislation.

168. In light of this, the Special Rapporteur calls on States of the region to unequivocally recognize and support the important and legitimate role of human rights defenders in society, and to strongly stand against any attempts at the de-legitimisation of their work, through effective normative measures and public statements in support of the work of human rights defenders and human rights organisations. He encourages States to develop

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[3] A/HRC/RES/31/32

[4] A/71/281

and implement educational and information campaigns on human rights and the essential nature of the role defenders play in society, targeting law enforcement and public officials.

Argentina

169. JAL 26/09/2016 Case no: ARG 3/2016 State reply: 28/11/2016

Alegaciones en relación con los ataques y hostigamiento contra la Sra. Laura Figueroa y el Sr. César Sivo, defensores de derechos humanos involucrados en la busca de la verdad y la justicia por crímenes de lesa humanidad perpetrados durante la dictadura militar.

170. JAL 31/10/2016 Case no: ARG 4/2016 State reply: 27/12/2016(A), 24/01/2017

Alegaciones respecto a las condiciones de detención en el Penal de Villa Urquiza, en las Comisarías números 5, 10, 12, 13, y en la Comisaría de la Mujer en San Miguel de Tucumán, así como de malos tratos y tortura durante la detención de los señores Alejandro Díaz, Yonatan Marcelo Delgado, Julio César López y de cinco víctimas cuya identidad es desconocida.

171. El Relator Especial agradece al Gobierno por la respuesta proporcionada sobre el caso de la Sra. Laura Figueroa con fecha 28 de noviembre de 2016 proporcionando detalles de las causas abiertas sobre el caso de la Sra. Figueroa y sobre la defensa de los operadores, defensores y abogados de derechos humanos. Agradece la información sobre las medidas para la protección de la Sra. Figueroa. En cuanto a la carta de 27 de diciembre de 2016, el Relator Especial agradece el acuse de recibo y espera que tras la prórroga solicitada el Gobierno, éste proporcione una respuesta detallada y sustantiva acerca de los casos señalados.

172. El Relator Especial expresa grave preocupación por los ataques y hostigamiento contra defensores de derechos humanos involucrados en la busca de la verdad y la justicia por crímenes de lesa humanidad perpetrados durante la dictadura. Expresa asimismo grave preocupación sobre las condiciones de detención en el Penal de Villa Urquiza y las alegaciones de tortura y tratos crueles, inhumanos o degradantes por parte de agentes policiales contra las personas que se encuentran detenidas en dicho Penal. El Relator toma nota de la respuesta proporcionada por el Gobiernos con información detallada acerca de las medidas adoptadas para mejorar la situación de encierro a nivel nacional

Brazil

173. JAL 20/09/2016 Case no: BRA 6/2016 State reply: none to date

Allegations of killings, attempted killings, attacks, death threats and harassment against human rights defenders working on land-related rights, including women human rights defenders and indigenous leaders, in different States in Brazil.

174. The Special Rapporteur regrets that, at the time of finalising this report, no response had been received to the allegation letter sent on 19 December 2016, especially with a view to the grave nature of allegations. He urges the Government to engage in full-fledged cooperation with the mandates of the Special Procedures of the Human Rights Council.

175. The Special Rapporteur reaffirms his concern about the increasing pattern of criminalization of social movements and increased threats and violence against human rights defenders in Brazil. He remains gravely concerned about the allegations of killings and attempted killings, as well as the continued threats, including deaths threats, and other forms of intimidation and harassment against members of the Landless Rural Workers

Movement (MST – Movimento dos Trabalhadores Rurais Sem Terra), indigenous leaders, as well as other defenders, including women defenders, working on land rights in Brazil, through their exercise of the rights to freedom of expression and association. Serious concern is also expressed about the reported lack of prompt, impartial and effective investigation into these killings, which hinders access to justice for victims and their relatives, and prevents accountability of perpetrators.

Colombia

176. JAL 03/02/2015 Case no: COL 5/2015 State reply: 28/04/2016

Alleged killings of, and death threats received by, a number of Afro-Colombian human rights defenders and community leaders, and alleged persistent structural discrimination faced by Afro-Colombians which affects the enjoyment of their economic, social and cultural rights.

177. JUA 01/03/2016 Case no: COL 1/2016 State reply: 13/10/2016

Alegaciones sobre actos de hostigamiento, amenazas de muerte, y un plan de desaparición contra la Sra. Claudia Duque Orrego una periodista y defensora de derechos humanos, así como por fallas en un proceso judicial por tortura psíquica de la cual fue víctima, y sobre amenazas y hostigamiento a su abogado y familias respectivas.

178. JUA 11/03/2016 Case no: COL 2/2016 State reply: 18/01/2017

Allegations of human rights violations as well as specific concerns concerning the situation of the Afro-Colombian community in the municipality of Buenaventura, Valle de Cauca Department.

179. JUA 15/04/2016 Case no: *COL 4/2016* State reply: *26/05/2016*

Alegaciones de asesinato de Sr. William Castillo Chima, líder social y defensor de derechos humanos y del derecho a la tierra, fundador de la Asociación de Hermandades Agroecológicas y Mineras de Guamocó (AHERAMIGUA).

180. JUA 02/05/2016 Case no: COL 5/2016 State reply: 09/11/2016

Presuntos actos de intimidación y amenazas de muerte contra dos organizaciones de defensa de derechos humanos y un sindicato, el Comité de Solidaridad con los Presos Políticos (CSPP), el Movimiento de Víctimas de Crímenes de Estado (MOVICE) y la Central Unitaria de Trabajadores (CUT).

181. PR *6/13/2016*

UN expert group alarmed by increasing violence toward people of African descent in Colombia.

182. El Relator Especial agradece al Gobierno las respuestas proporcionadas a las cinco comunicaciones enviadas durante el periodo del presente informe y por la información detallada sobre los distintos casos y situaciones que se ofrece en las mismas, incluyendo acerca del estado de las investigaciones policiales y las pesquisas judiciales.

183. Respecto a la situación de la Sra. Claudia Julieta Duque Orrego, el Relator continúa seriamente preocupado por las alegaciones acerca de serias fallas en el proceso judicial por tortura psíquica agravada de la cual fue víctima la Sra. Duque, y la falta de avances en las investigaciones por las amenazas y actos de hostigamiento contra ella y sus familiares cercanos. Según la respuesta del Gobierno, dos de las investigaciones sobre la responsabilidad de altos funcionarios del Estado en el caso de tortura psicológica contra la Sra. Duque Orrego siguen en fase de indagación preliminar a pesar de haber sido iniciadas en 2012 y 2014 respectivamente. El Relator agradece información sobre las medidas de

protección brindadas a la Sra. Duque Orrego y a su hija, pero lamenta que en la respuesta del Gobierno no se haga referencia a la situación del abogado de la Sra. Duque Orrego.

184. Respecto a los asesinatos, secuestros y amenazas de muerte contra líderes de comunidades de Afrodescendientes en distintos departamentos del país, incluyendo en el Chocó, Valle del Cauca (Buenaventura), Cauca y Nariño, el Relator se muestra extremadamente preocupado por la integridad física y psicológica de los defensores, defensoras, líderes y lideresas pertenecientes a estas comunidades. Estos trabajan por la defensa y promoción de los derechos de sus pueblos, en particular el disfrute de sus derechos relacionados con el uso de la tierra y el medioambiente, y lo hacen en contextos extremadamente violentos y peligrosos enfrentados a los intereses de actores socio-económicos ligados a la minería e industria extractiva ilegal que operan a menudo en connivencia con grupos ilegales armados y autoridades locales. El Relator se muestra especialmente preocupado por la situación de las mujeres defensoras y/o lideresas de comunidades Afrodescendientes, las cuales enfrentan múltiples formas de discriminación y violencia de género, incluyendo violencia sexual. El Relator toma nota de las acciones de priorización llevadas a cabo por las autoridades competentes que incluyen concentración de investigaciones, análisis de micro-contexto, conformación de grupos de investigadores e identificación y aplicación de criterios de alerta. Asimismo, agradece la información proporcionada sobre las medidas de protección a líderes de comunidades afrodescendientes dentro del proceso nacional de garantías para la labor de defensores y defensoras de derechos humanos así como sobre el programa especial que la Unidad Nacional de Protección tiene para dirigentes, representantes y miembros de grupos étnicos, el cual incluye medidas colectivas con enfoque diferencial. Sin embargo, el Relator lamenta que pese al tiempo transcurrido desde que sucedieron muchos de los hechos alegados las investigaciones se encuentran en su mayoría en etapa de indagación. Estos actos de violencia tienen por objetivo intimidar y disuadir a los defensores y defensoras así como a las comunidades a las que pertenecen, y se amparan en un entorno de impunidad alimentado por la falta de investigaciones eficaces, prontas e imparciales que traduzcan a los responsables ante la justicia y ofrezcan reparación a las víctimas.

185. El Relator también expresa su preocupación por el contexto de violencia que enfrentan diversos sindicatos de trabajadores y asociaciones que trabajan por los derechos de las víctimas durante el conflicto armado en el departamento del Cauca (Cali). Esta violencia incluye amenazas de muerte y ataques violentos por parte de un grupo armado en post-desmovilización el cual representa una amenaza para la seguridad pública, en especial la de las y los defensores de derechos humanos.

186. El relator agradece a las autoridades su plena colaboración durante su vista de trabajo a Colombia, la cual tuvo lugar en Septiembre de 2016, y que le permitió reunirse con actores clave y conocer de primera mano la situación de las y los defensores en el país.

Cuba

187. JUA 20/04/2016 Case no: CUB 1/2016 State reply: 22/06/2016

Alegaciones de intimidación y amenazas de muerte contra la Sra. Rosa María Payá Acevedo, miembro del movimiento Cuba Decide, y su familia.

188. JAL 08/07/2016 Case no: CUB 2/2016 State reply: *12/09/2016*

Alegaciones de uso excesivo de fuerza durante varias marchas organizadas por las Damas de Blanco, así como la violencia, los arrestos y las detenciones arbitrarias contra sus participantes por parte de las fuerzas de policía.

189. JAL 18/10/2016 Case no: CUB 3/2016 State reply: *14/12/2016*

Alegaciones de actos de hostigamiento y represalias contra defensores y defensoras de derechos humanos, incluidos abogados, por su labor en defensa de los derechos humanos, y en particular su cooperación con los mecanismos de las Naciones Unidas en el ámbito de los derechos humanos.

19. El Relator Especial agradece al Gobierno las respuestas proporcionadas a las tres comunicaciones enviadas durante el periodo del presente informe. Sin embargo, el Relator lamenta que las autoridades no reconozcan a las personas mencionadas en las comunicaciones como defensores y defensoras de derechos humanos, y que consideren que las alegaciones presentadas por el Relator se basan en acusaciones infundadas transmitidas por fuentes de información poco fiables. El Relator Especial lamenta que las autoridades cubanas nieguen categóricamente las alegaciones incluidas en las comunicaciones.

191. El Relator Especial expresa preocupación por las presuntas intimidaciones, vigilancia, y amenazas contra la Sra. Acevedo Payá, las cuales podrían estar relacionadas con su trabajo de denuncia pública, así como con su papel como activista política y miembro de la oposición en Cuba. También se expresa preocupación por la seguridad de los miembros del movimiento Cuba Decide.

192. El Relator Especial expresa su preocupación por la violencia ejercida contra las participantes del movimiento Damas de Blanco por haber participado en manifestaciones pacíficas. Expresa también su preocupación por las detenciones sin orden judicial y abusos físicos en contra de defensoras de derechos humanos, que estarían relacionados con sus actividades legítimas de promoción y defensa de los derechos humanos. El Relator reitera su preocupación por las restricciones que estas medidas y alegados actos de intimidación impondrían al ejercicio legítimo del derecho a la libertad de reunión pacífica y el derecho a la libertad de opinión y expresión en Cuba y le preocupa el efecto inhibidor que estas acciones tienen un para el trabajo de los defensores y defensoras en el país.

193. Al Relator le preocupa de sobremanera las alegaciones de actos de intimidación y represalias, así como tratos crueles, inhumanos y degradantes contra defensores y defensoras de derechos humanos en Cuba como consecuencia de su trabajo legítimo en la promoción y protección de derechos humanos, individualmente o a través de sus respectivas asociaciones, y en el ámbito nacional o mediante su participación en el Examen Periódico Universal y su interacción con los Procedimientos Especiales del Consejo de los Derechos Humanos de las Naciones Unidas. Las alegaciones, de ser confirmadas, se enmarcarían en un contexto de persistente intimidación y monitoreo de actividades por parte de funcionarios del Gobierno cubano contra de defensores y defensoras de derechos humanos.

194. Asimismo el Relator desea expresar su preocupación por los obstáculos existentes en Cuba, y reflejados en los hechos referidos en las comunicaciones enviadas, para la provisión de servicios legales a víctimas de violaciones de derechos humanos y para el ejercicio independiente de la profesión legal.

195. El Relator Especial expresa nuevamente su esperanza en que el Gobierno responderá favorablemente a su solicitud (2015) de visitar Cuba para obtener una mejor comprensión de la situación de los defensores y defensoras de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades para ofrecer la toda asistencia que requieran.

Ecuador

196. JAL 10/12/2015 Case no: ECU 6/2015 State reply: 20/04/2016

Alegaciones de actos de violencia física y verbal así como actos de intimidación por parte de agentes policiales contra mujeres defensoras de derechos humanos que

habrían participado en una manifestación pacífica contra el proyecto minero 'Rio Blanco'.

197. JAL 25/05/2016 Case no: ECU 2/2016 State reply: 27/10/2016

Presuntas restricciones al derecho a la libertad de asociación de la Fundación Ciudadanía y Desarrollo en aplicación del Decreto Ejecutivo No. 16, lo cual podría llevar a la posible disolución de la Fundación.

198. JAL 15/08/2016 Case no: ECU 4/2016 State reply: 16/09/2016; 27/09/2016; 27/10/2016

Presunta iniciación de disolución de la Unión Nacional de Educadores, un sindicato de profesores, y represalias por su cooperación con mecanismos internacionales de derechos humanos.

199. JOL 19/09/2016 Case no: ECU 5/2016 State reply: 27/10/2016

Seguimiento a la situación de la Unión Nacional de Educadores y el marco normativo aplicable, incluyendo el Decreto Ejecutivo No. 739, en base a la respuesta del Estado a la comunicación anterior sobre este asunto (ECU 4/2016).

200. PR 9/27/2016

Ecuador: Expertos de ONU condenan la 'muerte legal' de la Unión Nacional de Educadores.

201. PR 30/12/2016

Ecuador: Expertos de la ONU condenan medidas represivas contra organizaciones de DD HH

202. El Relator Especial agradece al Gobierno de Ecuador y a las autoridades competentes las respuestas detallas proporcionadas a las cinco comunicaciones enviadas durante el periodo del presente informe.

203. El Relator se mantiene preocupado por la situación de las integrantes de la asociación Frente de Mujeres Defensoras de la Pachamama y las alegaciones recibidas indicando actos de violencia física y verbal y actos de intimidación contra ellas por parte de agentes policiales durante una manifestación contra del proyecto minero 'Rio Blanco' que tuvo lugar el 20 de Octubre de 2015. Si bien el Relator toma nota de la respuesta del Gobierno en la que se indica que no se tiene registro oficial de dichos incidentes, espera recibir información sobre las diligencias abiertas por parte de la Defensoría del Pueblo tras admitir a trámite la petición de las mujeres afectadas. El Relator considera oportuno señalar los riesgos a los que se enfrentan las y los defensores que trabajan en el contexto de oposición a las operaciones de empresa extractivas y mineras que atentan contra los derechos y libertades fundamentales de poblaciones y comunidades campesinas o indígenas, en especial los relaciones con el uso de la tierra y de los recursos naturales y culturales.

204. El Relator reitera su preocupación respecto a las restricciones al derecho a la libertad de asociación y de expresión de la Fundación Ciudadanía y Desarrollo y de la Unión Nacional de Educadores (UNE) en aplicación de los Decretos Ejecutivos No. 16 y 739 que codifican la aplicación del Reglamento para el Funcionamiento del Sistema Unificado de Información de las Organizaciones Sociales y Ciudadanas. El Relator expresó públicamente su preocupación sobre la disolución forzada de la UNE junto con otros expertos independientes el Consejo de Derechos Humanos alertando sobre los riesgos de privar a un parte importante de los educadores ecuatorianos de una herramienta asociativa esencial para articular el desempeño de su profesión y hacer eco de posiciones y demandas sociales. Se señalaba asimismo la preocupación de que dicha disolución estuviera ligada al trabajo de defensa y promoción de los derechos humanos de la UNE y pudiera ser un acto

de intimidación o represalia por su cooperar con mecanismos internacionales de derechos humanos, incluidos los mecanismos de Naciones Unidas.

205. El Relator agradece a las autoridades la información detallada contenida en las respuestas proporcionadas respecto a la aplicación de los Decretos Ejecutivos No. 16 y 739, así como de la Ley de Comunicación, en particular con respecto a la situación de la UNE. Sin embargo, el Relator reitera su preocupación por el entorno crecientemente restrictivo para el legítimo ejercicio de las libertades de opinión, expresión y asociación que se derivan de la aplicación del marco normativo existente, en particular para las asociaciones sociales, medios de prensa y defensores de los derechos humanos.

206. El Relator quisiera subrayar que el marco establecido por el Decreto No. 739 se considera problemático a la luz de derecho internacional de los derechos humanos, especialmente respecto a los artículos 19 y 22 del Pacto Internacional de Derechos Civiles y Políticos. Este marco establece restricciones indebidas a libertades fundamentales basadas en criterios excesivamente amplios y ambiguos que otorgan a las autoridades estatales una gran autonomía a la hora de ordenar el cierre de asociaciones, incluidos medios de prensa. En este sentido, el Relator renueva su llamada a las autoridades a revisar el mencionado marco normativo para adecuarlo a los estándares internacionales en materia de derechos a la libertad de opinión, expresión y asociación.

207. El Relator urge a las autoridades a apoyar públicamente el trabajo realizado por tanto por los medios de comunicación como por la sociedad civil y practicar la tolerancia cero respecto a declaraciones estigmatizantes y actos de hostigamiento contra estos actores sociales por parte de funcionarios en cargo público.

208. El relator se pone a disposición de las autoridades para tratar las cuestiones referidas en mayor profundidad en lo que afectan al entorno donde operan defensores y defensoras de derechos humanos, y proporcionar la asistencia que se considere oportuna.

El Salvador

209. JUA 07/01/2016 Case no: SLV 3/2015 State reply: none to date

Alegaciones sobre actos de vigilancia, amenazas y acoso judicial contra Sras. Teresa Naves y Bertha de León, abogadas de derechos humanos, en el contexto de su demanda contra el ex-presidente de la Republica por desfalco, enriquecimiento ilícito y desobediencia.

210. El Relator Especial lamenta no haber recibido respuesta del Gobierno a la comunicación enviada durante el periodo del presente informe y queda a la espera de recibir una respuesta sustantiva lo antes posible.

211. El Relator Especial expresa grave preocupación por alegaciones recibidas indicando que abogados y defensores de derechos humanos son objeto de vigilancia, amenazas y acoso judicial por el trabajo que realizan y ejercer sus derechos. Expresa también su preocupación por la seguridad de las Sras. Naves y de León, abogadas de derechos humanos, debido a las alegaciones de vigilancia y amenazas en su contra y que los actos de intimidación y amenaza contra ellas puedan estar relacionados con su desempeño como querellantes en la acción penal contra el ex-presidente de la Republica. Al Relator también le preocupa que estos actos puedan intensificarse con el avance del proceso judicial.

Guatemala

212. JUA 07/01/2015 Case no: GTM 6/2015 State reply: none to date

Alegaciones de hostigamiento y amenazas de muerte en contra del abogado y defensor de los derechos humanos Sr. Pedro Rafael Maldonado Flores, director del área legal del Centro de Acción Legal-Ambiental y Social de Guatemala (CALAS).

213. JAL 26/02/2016 Case no: GTM 2/2016 State reply: 6/04/2016 (A); 24/05/2016

Alegaciones de un creciente número de actos intimidatorios contra las víctimas y quienes les apoyan en los procesos judiciales sobre violaciones de las normas internacionales de derechos humanos y violaciones graves del derecho internacional humanitario ocurridas durante el período del conflicto armado interno en Guatemala.

214. JAL 31/05/2016 Case no: GTM 5/2016 State reply: none to date

Alegaciones de acoso judicial y criminalización de seis defensores, pertenecientes al pueblo indígena maya q'anjob'al, en respuesta a su oposición a proyectos hidroeléctricos de gran escala en el departamento de Huehuetenango.

215. JUA 02/06/2016 Case no: GTM 4/2016 State reply: 22/11/2016

Presuntas amenazas e intimidación contra una jueza magistrada titular del Juzgado Pluripersonal de Primera Instancia Penal, Narcoactividad y Delitos contra el Medio Ambiente del departamento de Petén.

216. JAL 25/08/2016 Case no: GTM 6/2016 State reply: 05/10/2016

Alegaciones intimidación e interferencia con el trabajo y la privacidad del Sr. Ramón Cadena Rámila, abogado y defensor de derechos humanos y director regional para América Central de la organización no gubernamental Comisión Internacional de Juristas.

217. PR 1/03/2016

Guatemala: Expertos de la ONU saludan sentencia a dos ex militares por crímenes de lesa humanidad

218. El Relator Especial agradece al Gobierno las respuestas detalladas a tres de las cinco comunicaciones enviadas durante el periodo del presente informe. Sin embargo, lamenta que, en el momento de finalizar este informe, no se haya recibido respuesta a dos de las comunicaciones enviadas durante el período y queda a la espera de recibir respuestas sustantivas lo antes posible.

219. El Relator Especial expresa grave preocupación por las alegaciones de acoso y amenazas contra el abogado y defensor de los derechos humanos el Sr. Pedro Rafael Maldonado Flores las cuales parecen estar directamente vinculadas al desempeño de su trabajo legítimo en la promoción y protección de derechos humanos.

220. En cuanto a la información proporcionada relativa a la comunicación de 26 de febrero de 2016, el Relator agradece la respuesta detallada sobre los procesos judiciales y la información sobre las medidas de protección aplicadas. Agradece también que el Gobierno reconozca su deber de respetar y velar por el cumplimiento de los derechos humanos en el contexto de los procesos judiciales y los casos que corresponden al proceso de justicia transicional por el que atraviesa Guatemala, tras el enfrentamiento armado interno. Durante dicho proceso se han vulnerado los derechos humanos, se busca proteger a las víctimas de dichas violaciones y así como asegurar la garantía de no repetición y sancionar a los responsables.

221. En cuanto al caso de los Sres. Bernardo Ermitaño López Reyes, Sotero Adalberto Villatoro, Arturo Pablo Juan, Francisco Juan Pedro, Domingo Baltazar y Rigoberto Juárez, el Relator Especial expresa grave preocupación por la detención y procesos judiciales iniciados en su contra, que representaría una forma de acoso judicial en respuesta al

ejercicio legítimo de sus derechos y su trabajo en la promoción y protección de los derechos humanos. El Relator queda a la espera de una respuesta sustantiva a esta comunicación.

222. El Relator Especial agradece la respuesta detallada del Gobierno a la comunicación sobre las presuntas amenazas e intimidación de la jueza Karla Damaris Hernández García en relación al caso de contaminación del río La Pasión por parte de la empresa Reforestadora de Palmas de Petén S.A. (REPSA), sin embargo expresa su preocupación que este tipo de acoso pueda tener un impacto negativo al ocasionar mayores niveles de impunidad sobre crímenes ambientales en el Peten e inhibir a otros jueces de asumir casos similares. El Relator agradece la información sobre las gestiones realizadas por el Ministerio Público a través de la Unidad de Delitos contra Operadores de Justicia de la Fiscalía de Sección de Derechos Humanos para la investigación sobre las presuntas amenazas sufridas por la Jueza Karla Damaris Hernández, incluyendo información sobre las medidas de protección, sin embargo le preocupa que se considere desestimar la denuncia presentada por la Procuraduría de los Derechos humanos.

223. El Relator Especial agradece la respuesta detallada del Gobierno del 5 de octubre de 2016 sobre el caso de intimidación y ataques en contra del Sr. Ramón Cadena Rámila, abogado y defensor de derechos humanos. Toma nota sobre las medidas de seguridad implementadas para el Sr. Cadena y las medidas cautelares solicitadas ante la Comisión Interamericana de Juristas. El Relator reitera su preocupación por la seguridad del abogado y defensor de derechos humanos así como por la seguridad de su familia, notando que las medidas de protección, en ambos casos, parecerían limitadas al ambiente laboral. El Relator expresa además seria preocupación por el tipo de intimidación y de obstrucción al ejercicio de la profesión legal que no sólo pone en evidencia los riesgos a la integridad personal a los que se encuentran frecuentemente expuestos los abogados defensores de derechos humanos en Guatemala, sino que también interfiere de manera crítica en la posibilidad de que las víctimas de violaciones obtengan justicia, y socava seriamente sus esfuerzos para acabar con la impunidad.

Honduras

224. JUA 14/01/2016 Case no: HND 1/2016 State reply: 04/04/2016

Alegaciones de asesinato, ataques, intimidación y amenazas contra miembros de comunidades indígenas y defensores de derechos humanos en relación al proyecto hidroeléctrico en el municipio de Santa Elena en La Paz.

225. JUA 08/03/2016 Case no: HND 2/2016 State reply: 14/03/2016; 17/03/2016

Alegaciones de asesinato de Sra. Bertha Isabel Cáceres Flores, defensora de derechos humanos, miembro de la población indígena Lenca, y Cofundadora del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH), y el riesgo que corre otro defensor del derecho a la tierra.

226. JUA 18/03/2016 Case no: HND 3/2016 State reply: 01/04/2016

Alegaciones de asesinato del Sr. Nelson García, defensor de derechos humanos dirigente de COPINH.

227. JAL 27/05/2016 Case no: HND 4/2016 State reply: none to date

Alegaciones relativas a agresiones físicas y amenazas, así como a la falta de protección adecuada de manifestantes y defensores por parte de las fuerzas de seguridad en el marco de una manifestación pacífica en torno al Encuentro Internacional de los Pueblos "Berta Cáceres Vive".

228. JUA 03/11/2016 Case no: HND 9/2016 State reply: none to date

Alegaciones del asesinato de dos defensores de derechos humanos pertenecientes al Movimiento Unificado Campesino del Aguán, y de los intentos de asesinato contra dos miembros del Consejo Cívico de Organizaciones Populares e indígenas de Honduras.

229. PR *3/10/2016*

Honduras: "Otro defensor necesita protección tras el asesinato de Berta Cáceres" – Experto de la ONU.

230. PR *3/18/2016*

"Hay que actuar ya para que Honduras no se convierta en una zona de impunidad para los asesinos de defensores de derechos humanos"

231. PR *4/22/2016*

Asesinatos en Honduras: Experto de la ONU pide investigación independiente sobre las muertes de defensores

232. PR *10/6/2016*

Honduras: Experto de la ONU advierte sobre el riesgo de impunidad en el caso de Berta Cáceres.

233. PR *8/19/2016*

Honduras, uno de los países más peligrosos para los defensores de derechos humanos – advierten expertos

234. El Relator Especial agradece al Gobierno de Honduras las respuestas recibidas a tres de las cinco comunicaciones enviadas durante el periodo del presente informe, y confía en recibir respuestas sustantivas a las comunicaciones HND 4/2016 y HND 9/2016 lo antes posible.

235. El Relator llama la atención sobre la situación de extremado riesgo y violencia que enfrentan las y los defensores que trabajan por los derechos del pueblo lenca, en particular los líderes y lideresas de esta comunidad. Estos defensores abogan por la legítima defensa del patrimonio natural y cultural del pueblo indígena lenca y por su derecho a la consulta previa, libre e informada sobre el uso de los recursos en su territorio.

236. El Relator reitera su consternación por el asesinato el 2 de marzo de 2016 de Bertha Isabel Cáceres Flores, Cofundadora y Coordinadora del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH) y defensora de derechos humanos miembro de la población indígena Lenca. Bertha Cáceres fue asesinada en La Esperanza, departamento del Intibucá, por sujetos desconocidos a pesar de las medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos en junio de 2009 y la conocida situación de extremado riesgo que enfrentaba desde hacía tiempo. El Relator expresa asimismo su consternación por el asesinato el 15 de marzo de 2016 de Nelson García, dirigente de COPINH, el cual contaba desde el 5 de marzo con medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos. El Relator toma nota de las garantías y el compromiso por parte del Estado de Honduras de que la muerte de Berta Cáceres no quedará en la impunidad, así como de la solicitud de acompañamiento a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos durante el proceso investigativo.

237. Estos hechos repudiables se enmarcan en un contexto de escalada de violencia, amenazas e intimidación contra integrantes de COPINH y sus familiares después del asesinato de Bertha Cáceres así como de fallas inaceptables en la ejecución de las medidas de cautelares y de protección otorgadas por la Comisión Interamericana de Derechos Humanos. El Relator quisiera llamar la atención sobre los graves incidentes que se produjeron el 15 de abril de 2016 en el contexto de una manifestación en las cercanías de

San Francisco de Ojuera para conmemorar el asesinato de Berta Cáceres en el marco del Encuentro Internacional "Berta Cáceres Vive". Además, el Relator recibió información sobre la represión violenta de otra manifestación pacífica por parte de miembros de COPINH que congregaron en las inmediaciones de la Casa Presidencial en Tegucigalpa para exigir la instauración de una Comisión Internacional e Independiente para investigar el asesinato de Berta Cáceres. Tras esta última movilización, miembros del COPINH habrían sido objeto de detenciones así como de actos de seguimiento y hostigamientos por parte de la policía. En particular, se habrían producido diversos pronunciamientos e intimidaciones directas relacionadas con el trabajo realizado por la defensora Giulia Fellin.

238. Estos graves incidentes tienen lugar en un contexto de creciente preocupación, expresada a nivel nacional e internacional, en relación con el desarrollo de la investigación sobre el asesinato de Berta Cáceres y por la falta de respuesta a las demandas de sus familiares y del COPINH de establecer de un grupo interdisciplinario de expertos independientes de la Comisión Interamericana de Derechos Humano (CIDH) para investigar este crimen. En Octubre de 2016, el Relator expresó públicamente su grave preocupación tras la desaparición del expediente original del caso de Berta Cáceres, tras el asalto y robo a la jueza encargad del proceso. En este sentido, el Relator pidió que la reconstrucción del expediente se haga de forma transparente y con la participación de los familiares y representantes de la víctima. Asimismo, instó a las autoridades a aceptar la propuesta de la Comisión Interamericana de Derechos Humanos de crear una comisión independiente de expertos para colaborar en la investigación del caso.

239. En sus pronunciamientos públicos sobre el asesinato de Berta Cáceres y de Nelson García, el Relator ha conminado a las autoridades a tomar las medidas necesarias para evitar que el país se convierta en una zona de impunidad para los asesinos de defensores y defensoras de derechos humanos, incluyendo mediante el reforzamiento de las capacidades del sistema judicial y sus operadores. Asimismo, ha instado al Gobierno a condenar públicamente estos asesinatos y a garantizar una investigación pronta e imparcial de los mismos como medidas esenciales contra la impunidad.

240. El Relator querría hacer eco de las observaciones realizadas por la Comisión Interamericana de Derechos Humanos en su informe "Violencia, desigualdad e impunidad en Honduras. Situación de Derechos Humanos en Honduras" (2016) en el que se afirma que "los defensores y las defensoras de derechos humanos en Honduras son blancos de ataques por parte de aquellas personas que han sido señaladas como responsables de violaciones a derechos, o bien, de sectores y grupos que tienen intereses opuestos a sus causas. El informe indica que "los defensores de derechos humanos que se dedican a la protección de recursos naturales estarían siendo objeto de actos de violencia, hostigamiento y amenazas de muerte producto de la defensa del medio ambiente." El informe asimismo señala la situación de especial vulnerabilidad de aquellos que trabajan por los derechos de los pueblos indígenas, ya que "(l)a violencia contra los pueblos indígenas surge en gran medida de la lucha por la tierra y el territorio que se exacerba por las condiciones de desigualdad y discriminación en las que estos grupos se encuentran y las consecuentes barreras que enfrentan en su acceso a la justicia.

Mexico

241. JAL 31/03/2016 Case no: MEX 2/2016 State reply: 18/04/2016

Alegaciones de campañas de desprestigio y de estigmatización contra defensores de derechos humanos, organizaciones non-gubernamentales e integrantes de mecanismos internacionales de derechos humanos.

242. JUA 25/07/2016 Case no: MEX 7/2016 State reply: 14/10/2016

Presunto asesinato, ataque, y actos de intimidación y hostigamiento contra defensores de derechos humanos y miembros del Comité de Familiares de Detenidos Desaparecidos "Hasta Encontrarlos".

243. JAL 15/08/2016 Case no: MEX 6/2016 State reply: 06/01/2017

Alegaciones de violaciones del derecho a la vida, a no ser detenido arbitrariamente, a reunirse pacíficamente, a expresarse y asociarse libremente, y a una protección eficaz de los defensores de los derechos humanos.

244. JAL 19/08/2016 Case no: MEX 8/2016 State reply: 08/11/2016

Alegaciones de intervención de comunicaciones privadas y acciones que podrían contribuir a la deslegitimización de personas defensoras de derechos humanos.

245. JUA 11/10/2016 Case no: MEX 12/2016 State reply: none to date

Presuntas amenazas y agresiones contra familiares de una víctima de desaparición forzada y su esposa, ambos dirigentes de una organización que apoya a familiares de desaparecidos en el Estado de Querétaro; así como amenazas contra los integrantes del Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C.

246. PR *4/6/2016*

Expertos de la ONU piden a México contrarrestar la campaña de desprestigio y respaldar a los defensores de derechos humanos

247. *PR 11/01/2017*

Defensores de DD HH: "¿Se sienten seguros en México?" – Experto de la ONU anuncia visita para evaluar la situación

248. PR *19/01/2017*

Indignante y absurdo el asesinato del defensor ambiental rarámuri Isidro Baldenegro López en México

249. Mission Statement *24/01/2017*

Informe del final de la misión del Relator Especial de las Naciones Unidas sobre la situación de los defensores de derechos humanos Michel Forst, visita a México, 16 al 24 de enero de 2017

250. PR *25/01/2017*

México / Defensores de DD HH: "La mejor forma de protegerlos es luchando contra la impunidad" – Experto de la ONU

251. El Relator Especial agradece al Gobierno por sus respuestas a cuatro de las cinco comunicaciones enviadas en el periodo del informe y espera recibir una respuesta sustantiva a la comunicación del 11 de octubre de 2016 lo antes posible.

252. El Relator agradece la información detallada a la comunicación de 31 de marzo de 2016, en particular sobre los esfuerzos para fortalecer la operatividad del Mecanismo de Protección de Periodistas y Personas Defensora de Derechos Humanos, y saluda que el Estado Mexicano reconozca la necesidad de reforzar su capacidad para generar políticas públicas para que las autoridades encargadas de la procuración de la justicia sean las que prevengan e investiguen los delitos cometidos en contra de periodistas y defensores de derechos humanos. Sin embargo, el relator expresa su grave preocupación por las alegaciones de una campaña de desprestigio y de estigmatización contra defensores de derechos humanos que se podrían enmarcar en el contexto de creciente inseguridad y hostilidad para las y los defensores de los derechos humanos en México. Al Relator también le preocupa que estos actos tengan un efecto inhibidor para el trabajo de las

personas defensores e incrementan los riesgos a los que se enfrentan, por lo que anima a las autoridades a pronunciarse públicamente contra este tipo actos de estigmatización y a reconocer la importante labor de las y los defensores.

253. El Relator Especial agradece la información proporcionada por el Gobierno con fecha 14 de octubre de 2016 y los detalles de las gestiones realizadas a propósito de las investigaciones y la puesta en marcha de medidas de protección para las personas afectadas. Sin embargo, expresa su preocupación por el contexto de tensión y violencia en el estado de Oaxaca desde junio de 2016. El Relator tiene constancia que desde este momento se han incrementado los actos de intimidación y ataques contra familiares, organizaciones y simpatizantes que trabajan en defensa de los derechos de las personas desparecidas y de sus familiares y que coartan el ejercicio de sus derechos a la libertad de opinión y expresión y la libertad de asociación.

254. El Relator Especial agradece la respuesta detallada del Gobierno de 6 de enero de 2017 y saluda las iniciativas mencionadas en el documento con el propósito de garantizar la asistencia y la atención correspondiente a las personas afectadas en los hechos ocurridos en la comunidad de Nochixtlán, y sus familiares; e investigar los hechos y garantizar el derecho a la verdad y a la justicia. El Relator espera recibir información sobre la implementación de las iniciativas, en particular sobre la mesa mixta de carácter jurídico sobre el acceso a la justicia, y derecho a la verdad, y la mesa mixta de atención integral a víctimas.

255. En cuanto a la respuesta de 8 de noviembre de 2016, el Relator Expresa su preocupación por la información proporcionada por el Gobierno, la cual indica que la denuncia penal por parte del Sr. Rosales y del Sr. Gonzales ante la Procuradora General de la Republica por el delito de intervención de comunicaciones privadas no constaría en sus registros.

256. El Relator Especial reitera su preocupación por las supuestas agresiones y amenazas así como la mínima protección con la que cuentan al momento los miembros de Centro Prodh y otros defensores de derechos humanos que apoyan a familiares de personas desaparecidas.

257. El Relator agradece al Gobierno la invitación de visitar el país y la cooperación extendida antes y durante la visita, la cual tuvo lugar entre el 16 y el 24 de enero de 2017. Las observaciones y recomendaciones preliminares del Relator tras la conclusión de su vista se centraron en la lucha contra la impunidad como causa y producto de la inseguridad general que enfrentan las y los defensores en el país. Dichos observaciones y recomendaciones se encuentran disponibles en su página de Internet[7].

Nicaragua

258. JAL 14/01/2016 Case no: NIC 6/2015 State reply: 11/03/2016, 11/03/2016

Alegaciones de abuso de autoridad y funciones y falta de protección de manifestantes y defensores de derechos humanos por parte de la Policía Nacional en el marco de una manifestación campesina contra la construcción del Canal interoceánico en Nicaragua.

259. JOL 17/06/2016 Case no: NIC 1/2016 State reply: 16/08/2016

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[7] México/ defensores: "La mejor forma de protegerlos es luchando contra la impunidad", http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=[illegible]

Seguimiento a las alegaciones contenidas en la comunicación NIC 2/2015 y la respuesta proporcionada por el Gobierno en marzo de 2016, en particular sobre los fundamentos legales que justificaron la organización de retenes policiales y requisas de vehículos y sobre su conformidad con las normas y estándares internacionales en materia de derechos humanos, específicamente en relación con los principios de necesidad y proporcionalidad.

260. El Relator Especial agradece las respuestas detalladas proporcionadas por el Gobierno a las dos comunicaciones enviadas en el periodo del presente informe. En cuanto a la respuesta a la comunicación de 14 de enero de 2016, el Relator agradece la información sobre la construcción del Canal interoceánico en el contexto de desarrollo y toma nota del hecho que los organizadores no habrían informado la policía sobre la ruta de la marcha, y que los vehículos retenidos no portaban el permiso especial extendido por las autoridades competentes. Sin embargo, el Relator reitera su preocupación por la actuación de las autoridades, quienes habrían obstaculizado la participación de las personas en una manifestación pacífica, realizado detenciones y retenciones de varias personas y confiscado bienes personales, sin orden judicial. Finalmente, expresa su preocupación por la aparente falta de intervención policial a fin de evitar las agresiones cometidas contra varios manifestantes.

261. En cuanto a la respuesta a la comunicación de 17 de junio de 2016, que da seguimiento a la respuesta del Gobierno de 11 de marzo de 2016, el Relator saluda el hecho que Nicaragua considere a los defensores de derechos humanos como protagonistas de la sociedad. Sin embargo, el Relator expresa su preocupación por las disposiciones de la ley 872, que imponen el requisito de solicitar un permiso previo a la organización de manifestaciones el cual no se conforma a las normas y estándares internacionales. A lo sumo, puede aplicarse un procedimiento de notificación previa que obedezca a la necesidad de que las autoridades del Estado faciliten el ejercicio del derecho a la libertad de reunión pacífica y tomen medidas para proteger la seguridad y el orden público y los derechos y libertades de los demás. Finalmente, el Relator expresa su preocupación por la falta de avances en la investigación en los casos de violencia contra manifestantes.

Paraguay

262. JAL 08/07/2016 Case no: PRY 1/2016 State reply: 05/10/2016

Alegaciones de restricciones al libre ejercicio de las funciones profesionales y a la libertad de expresión de la abogada Julia Cabello Alonso.

263. El Relator Especial agradece al Gobierno la respuesta detallada a la comunicación enviada durante el periodo del presente informe respecto a la situación de la abogada Julia Cabello Alonso. Toma nota de los esfuerzos realizados por el Estado paraguayo para amparar los derechos y libertades fundamentales de los defensores y defensoras de los derechos humanos, como también para que los trabajadores de prensa puedan desarrollar sus actividades con las debidas garantías de seguridad e independencia. En ese contexto, toma nota de la información recibida acerca del estudio, por parte del Congreso Nacional, de un anteproyecto de Ley que garantiza la vida, la integridad, la libertad y la seguridad de los defensores de derechos humanos, periodistas y trabajadores de prensa en Paraguay. Dicho anteproyecto fue ingresado al Congreso Nacional en noviembre de 2016 y posteriormente remitido para estudio a las comisiones pertinentes. El Relator anima a los legisladores y autoridades competentes a tramitar y adoptar el proyecto de ley lo antes posible en consulta y colaboración con los actores implicados.

264. Aunque toma nota de las facultades disciplinarias de la Corte Suprema de Justicia, el Relator, mantiene su preocupación por la sentencia y advertencia en contra de la abogada Julia Cabello Alonso por el efecto disuasorio y paralizante que pueda tener sobre los

abogados y aquellos/-as defienden los derechos de víctimas de violaciones de derechos humanos.

265. El Relator se hace eco de las preocupaciones y recomendaciones contenidas en el Informe del Grupo de Trabajo sobre el Examen Periódico Universal de Paraguay (A/HRC/32/9) sobre la situación de las y los defensores de derechos humanos, incluidos abogados y periodistas. Recomendaciones contenidas en este informe señalan la necesidad de adoptar medidas adicionales para proteger a los defensores de la reforma agraria contra los actos de intimidación y violencia, así como la preocupación por la situación de las y los defensores de los derechos humanos y por los procedimientos judiciales y administrativos contra periodistas. Se recomienda al Estado *inter alia* visibilizar y valorar las actividades de los defensores y defensoras, y elaborar y aplicar medidas para garantizar su protección en caso de que se vean expuestos a alguna amenaza o riesgo asociados al libre ejercicio de sus actividades. Asimismo se recomienda reconocer el papel legítimo de los defensores de los derechos humanos y crear y mantener un entorno seguro y propicio para que los defensores de los derechos humanos y los periodistas lleven a cabo su labor legítima sin amenazas de violencia o represalias.

266. El Relator señala la necesidad de crear conciencia sobre la labor legítima y fundamental de las y los defensores de los derechos humanos y apoyar públicamente su trabajo, incluido a través la difusión de la Declaración sobre los Defensores de los Derechos Humanos. Asimismo, anima a las autoridades a llevar a cabo programas de formación y educación en derechos humanos, en especial dirigidos a los agentes del orden y funcionarios públicos, que reconozcan la importante función que desempeñan las y los defensores de los derechos humanos en la sociedad.

267. El Relator toma nota de la visita a Paraguay en julio de 2016 de la Relatoría sobre Defensoras y Defensores de Derechos Humanos de la Comisión Interamericana de Derechos Humanos. En este sentido, agradece la invitación cursada por las autoridades paraguayas para que él realice una visita oficial al país, la cual confía en poder llevar a cabo en 2018.

Perú

268. JUA 03/12/2015 Case no: PER 5/2015 State reply: none to date

Alegaciones de atentados contra la vida, amenazas de muerte y cargos judiciales contra Sr. César Estrada Chuquilín, periodista y un defensor de derechos humanos.

269. JUA 01/04/2016 Case no: PER 1/2016 State reply: 14/04/2016

Alegaciones de ataques físicos, actos de hostigamiento y amenazas contra la indígena quechua Máxima Acuña de Chaupe, defensora de derechos humanos en el departamento de Cajamarca, y su familia, por razón de una disputa territorial con la compañía minera Yanacocha S.R.L.

270. El Relator Especial agradece la respuesta del Gobierno a una de las dos comunicaciones enviadas durante el período de este informe. Sin embargo, lamenta que en el momento de finalizar este informe, no se haya recibido respuesta a la comunicación de 3 de diciembre de 2015 y queda a la espera de recibir una respuesta sustantiva lo antes posible.

271. El Relator expresa grave preocupación ante los atentados en contra de la vida del Sr. Chuquilín, y profunda preocupación por su integridad física tanto de él como el de su familia, en particular dado el contexto de amenazas recibidas. Además expresa su preocupación por los procesos judiciales actualmente enfrentados por el Sr. Chuquilin, que según las alegaciones tendrían relación con su legítima actuación como defensor de los

derechos humanos y periodista afectando el legítimo ejercicio de sus derechos a la libertad de opinión y expresión y a la libertad de asociación.

272. El Relator Especial agradece la respuesta del Gobierno a su comunicación de 1 de abril de 2016. Sin embargo, el Relator lamenta que el Gobierno se refiera a las alegaciones como especulaciones y deducciones sin fundamentación objetiva y toma nota que la mayoría de los hechos alegados no han sido denunciados en las vías nacionales correspondientes, como ante el Ministerio Publico o Policía Nacional del Perú. El Relator expresa su preocupación por las medidas de seguridad reducidas que se han otorgado a la familia de la Sra. Acuña de Chaupe por ser beneficiarios de medidas cautelares por parte de la Comisión Interamericana de Derechos Humanos y lamenta la solicitud del Estado Peruano para el levantamiento de las mismas. Finalmente, el Relator expresa su preocupación por la aparente relación y coordinación entre Yanacocha S.R.L y la Policía Nacional en las conductas de allanamiento, acoso, agresión y monitoreo en contra la familia Chaupe.

United States of America

273. JUA 21/09/2016 Case no: USA 7/2016 State reply: none to date

Allegations concerning the arrest of and charges against human rights defenders, including Tribal Chairman David Archambault II and other community members.

274. JUA 11/11/2016 Case no: USA 14/2016 State reply: 09/12/2016

Allegations of excessive use of force by security forces during protests, arbitrary detentions, as well as of criminalization of indigenous peoples in their attempts to safeguard their fundamental freedoms.

275. PR 11/15/2016

Native Americans facing excessive force in North Dakota pipeline protests – UN expert.

276. The Special Rapporteur thanks the Government of the United States for the substantive reply provided to his letter of 11 November 2016. The Special Rapporteur remains concerned by alleged recurrent violations directed at human rights defenders, including those protecting the rights of persons belonging to indigenous communities. The majority of these violations took place in the context of the protests against the construction of an oil pipeline in the proximity of the Standing Rock Sioux Reservation. Human rights defenders participating in the protests faced excessive use of force by security forces, arbitrary detention, arrests and charges brought against them. Protesters faced rubber bullets, teargas, mace, compression grenades and bean-bag rounds while expressing concerns over the environmental impact of construction projects and trying to protect burial grounds and other sacred sites of the Standing Rock Sioux Tribe.

277. The Special Rapporteur takes note of information provided by the Government regarding a task force which has been established to investigate the allegations contained in his letter. He also welcomes the efforts undertaken by the Government to promote dialogue between the tribal leaders and law enforcement officials as well as the engagement of the Government with the Inter-American Commission on Human Rights to discuss the rights of indigenous persons and extractive industries in the United States. The Special Rapporteur also notes that the United States strongly encourages extractive companies - including Dakota Access, LCC - to implement the Voluntary Principles on Security and Human Rights Initiative. He also encourages the Government to promote the application of the United Nations Guiding Principles on Business and Human Rights, a set of guidelines for

States and companies to prevent, address and remedy human rights abuses committed in business operations.

Venezuela (Bolivarian Republic of)

278. JAL 24/02/2016 Case no: VEN 2/2016 State reply: 07/09/2016

Presunto asesinato de un abogado y defensor de los derechos humanos, el Sr. Héctor Sánchez Lozada, y preocupación de que su muerte pudiese estar relacionada con el desempeño de sus funciones de abogado y su trabajo en defensa de los derechos humanos con el Observatorio Venezolano de Prisiones.

279. JUA 24/03/2016 Case no: VEN 3/2016 State reply: 04/07/2016

Presunta desaparición y asesinato de 28 trabajadores en las minas de Oro de Tumeremo después de haber sido agredidas por un grupo criminal de la zona. Se alega riesgo de represalias contra víctimas supervivientes y familiares, así como obstáculos en la cobertura de estos hechos y acoso por parte de agentes de la ley contra medios de comunicación y periodistas.

280. JAL 3/06/2016 Case No. VEN 6/2016 State reply: 07/09/2016

Alegaciones de campaña de desprestigio, hostigamiento repetido e intimidación contra un defensor de derechos humanos, el Sr. Humberto Prado Sifontes, coordinador general del Observatorio Venezolano de Prisiones.

281. JOL 14/06/2016 Case no: VEN 7/2016 State reply: 17/08/2016

Alegaciones acerca de varias disposiciones del Decreto No. 2.323, publicado en la Gaceta Oficial No. 6.227 el 13 de Mayo de 2016, las cuales podrían estar en discrepancia con normas y estándares internacionales de derechos humanos, en particular con los derechos a la libertad de expresión y de reunión pacífica.

282. JAL 06/07/2016 Case no: VEN 8/2016 State reply: 26/08/2016

Alegaciones de trato cruel y degradante contra el abogado Juan Carlos Gutiérrez y de obstáculos al libre ejercicio de sus funciones profesionales como abogado defensor del Sr. Leopoldo López Mendoza.

283. El Relator Especial agradece al Gobierno de la República Bolivariana de Venezuela las respuestas recibidas a las cinco comunicaciones enviadas durante el periodo del presente informe, y toma nota de las informaciones detalladas proporcionadas en las mismas.

284 Respecto al caso del presunto asesinato del Sr. Sánchez Lozada, el Relator toma nota de la información contenida en la respuesta indicando que se ha iniciado la investigación penal correspondiente y que el 1 de abril de 2016 se emitió una orden de aprehensión de dos individuos. El Relator espera que la investigación haya seguido su curso de forma transparente e imparcial, que se traduzca lo antes posible a los responsables ante la justicia, y que se ofrezca a los familiares una reparación adecuada. Si se demuestra que la muerte violenta del Sr. Sánchez Lozada estuvo relacionada con sus actividades de promoción y defensa de los derechos humanos, el Relator insta a las autoridades competentes a que condenen públicamente dicho acto y a que respalden el legítimo y valioso trabajo realizado por los abogados y abogadas de derechos humanos.

285. Respecto al caso del Sr. Prado Sifontes, el Relator agradece la respuesta enviada por las autoridades y la información detallada que en ella se contiene. El Relator toma nota de las medidas adoptadas para garantizar la seguridad y protección del Sr. Prado Sifontes en ejecución de las medidas cautelares emitidas por la Comisión Interamericana. El Relator reitera la importante labor que desempeñan las y los defensores en la promoción y defensa de los derechos humanos y las libertades fundamentales, lo que a menudo implica un

escrutinio y una crítica de las actuaciones de los poderes públicos que son necesarias en una sociedad democrática, plural y abierta.

286. Respecto al caso del supuesto acto de trato cruel y degradante contra el Sr. Gutiérrez así como de obstáculos al ejercicio de sus funciones profesionales como abogado defensor, el Relator toma nota de la respuesta recibida y de la información detallada proporcionada en la misma, incluido acerca de las investigaciones conectadas con diversos aspectos de las alegaciones. En lo que concierne las alegaciones de obstáculos al ejercicio de funciones profesionales del Sr. Gutiérrez como abogado defensor, según la información proporcionada por las autoridades, en virtud de lo contenido en los artículos 18 y 109 del Código Orgánico Penitenciario, las administraciones de dichos centros tiene la potestad de prohibir la entrada de objetos que puedan causar un riesgo para la seguridad, disciplina y buen orden del establecimiento penitenciario, o para la salud o la integridad física de las personas privadas de libertad, del personal del establecimiento y visitantes. Aunque que el Relator entiende el fundamento de dicha responsabilidad, le resulta difícil de aceptar que se justifique una inspección de documentos en posesión de un abogado defensor en base a dicha potestad.

287. En este sentido, el Relator considera oportuno recordar algunos de los Principios Básicos sobre la Función de los Abogados, los cuales establecen que los gobiernos deben garantizar que los abogados puedan desempeñar todas sus funciones profesionales sin intimidaciones, obstáculos, acosos o interferencias indebidas y puedan comunicarse libremente con sus clientes (Principio 16); los abogados no serán identificados con sus clientes ni con las causas de sus clientes como consecuencia del desempeño de sus funciones (Principio 18); y que gobiernos deben reconocer y respetar la confidencialidad de todas las comunicaciones y consultas entre los abogados y sus clientes, en el marco de su relación profesional (Principio 22) (A/CONF.144/28/Rev.1 p. 118, 1990).

288. Con respecto a la Presunta desaparición y asesinato de 28 trabajadores en las minas de Oro de Tumeremo, Estado de Bolívar, el Relator agradece la información proporcionada en la respuesta del Gobierno y toma nota del número de desaparecidos registrado por las autoridades. Asimismo, el Relator toma nota del inicio de la investigación penal correspondiente y del hecho que en marzo de 2016 se materializó la detención de cuatro individuos supuestamente relacionados con los incidentes. El Relator también toma nota del hecho que la Fiscalía Superior del Ministerio Publico del estado de Bolívar requirió medidas de protección para un total de 19 víctimas, ya se que temían represalias contra algunas de ellas. El Relator espera que la investigación haya seguido su curso, que se traduzca lo antes posible a los responsables ante la justicia, que se imponga una pena acorde con la gravedad del delito, y se proporcione a las víctimas y sus familiares una reparación adecuada.

ASIA-PACIFIC REGION

289. During the present reporting period the Special Rapporteur sent 73 communications to 20 countries in the Asia-Pacific region. He takes note of the response rate of 40% for the region, which is equal to the response rate from the previous reporting period. He urges Governments in the region to fully cooperate with the mandate and looks forward to receiving outstanding replies shortly.

290. Communications sent to the countries in the region show a disturbing trend of human rights defenders not only being portrayed as enemies of the state through smear campaigns, but also subjected to extrajudicial killings, disappearances, physical attacks, arbitrary detentions and judicial persecution. The Special Rapporteur is concerned about the involvement of State agents in the harassment and delegitimization of human rights defenders in the region amid numerous reports of arbitrary arrests and detention, use of legislation to criminalise and/or obstruct the work of human rights defenders and the

lacking of due process. The Special Rapporteur is also alarmed by the number of communications (5) sent to the Asia-Pacific region with regard to acts of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. He wishes to highlight Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanisms and representatives in the field of human rights and Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the UPR and the treaty bodies, as well as regional human rights mechanisms".

291. Indigenous and environmental human rights defenders have faced particular threats due to their peaceful opposition to extractive, agriculture or energy industries. Advocates for the rights of religious or ethnic minorities, as well as those defending the rights of LGBTI community, have encountered harassment, death threats and violent attacks. In countries which are increasingly engulfed by religious and political intolerance, human rights defenders are in extreme danger because their continued work to promote equality and non-discrimination is seen as unacceptable opposition to the dominant dogma. It is worrying to observe that some State authorities not only tolerate extremist groups that incite violence and hatred, but also sustain and utilize relationships for their own political gains.

292. The Special Rapporteur also notes with preoccupation the growing attempts to criminalize and curtail the legitimate and peaceful activities of human rights defenders, including through regressive or restrictive legislation. Civil society organizations, including their registration and sources of funding, have become targeted by such legislation for their human rights work, which is either considered to be 'sensitive' or 'anti-state' by authorities. Funding from abroad has become politicized and heavily regulated, especially when civil society associations happen to publicly express views critical of their government.

293. The Special Rapporteur underlines increasing restrictions on freedom of peaceful assembly in a number of countries, in which legislation puts disproportionate restrictions on the organization of, and participation in, peaceful demonstrations, resulting in mass arrests and detentions of defenders and protestors. He further notes with concern the growing restrictions on the exercise of the right to freedom of expression and opinion, both online and offline, which has had a chilling effect on journalists, bloggers and defenders who use social media and the Internet as a platform for the promotion of human rights. One can identify a pattern of using blasphemy and anti-hate speech legislations to clamp down on legitimate expression or opinion related to religion in the region. Women and LGBTI human rights defenders are particularly exposed to intimidation, harassment or physical threats as a result of such expression.

Afghanistan

294. JAL 17/12/2015 Case no: AFG 3/2015 State reply: none to date

Allegations concerning a landmine attack against members of the Afghanistan Independent Human Rights Commission (AIHRC).

295. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter dated 17 December 2015.

296. The Special Rapporteur strongly condemns the fatal attack carried out against staff members of the AIHRC. On 26 October 2015, at approximately 8.00 am, a minibus carrying eight staff members was attacked using a remote controlled improvised explosive device in the city of Jalalabad. The attack, which took place as the AIHRC staff members

travelled to their office in Nangerhar Province, killed two male staff members, and seriously injured one female staff member.

297. The Special Rapporteur is gravely concerned that the attack appears to have been in direct retaliation to the AIHRC's human rights work, which can have a chilling effect on other defenders promoting and protecting human rights in the country. He urges the Government to take every possible measure to ensure that these killings do not remain in impunity and hopes to receive a response to the communication providing details of any investigation carried out in relation to this case promptly.

Australia

298. JAL 12/02/2016 Case no: *AUS 1/2016* State reply: *13/04/2016*

Alleged restrictions to the rights to peaceful assembly and freedom of expression in provisions of the Criminal Code Amendment (Prevention of Lawful Activity) Bill, 2015, in the state of Western Australia.

299. PR *2/15/2016*

UN human rights experts urge Western Australia's Parliament not to pass anti-protest law.

300. PR *30/09/2016*

Human rights defenders: UN Special Rapporteur to probe their current situation in Australia.

301. Mission Statement *18/10/2016*

End-of-mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders

302. PR *18/10/2016*

Australian Government must re-build trust of civil society – UN human rights expert.

303. The Special Rapporteur would like to thank the Government of Australia for its substantive response to the communication sent during the reporting period. The Special Rapporteur would also like to express his appreciation to the Government for inviting him to undertake an official mission, which took place from 4 October to 18 October 2016. He reaffirms his gratitude for the Government's cooperation throughout the visit, as well as the cooperation shown from state and territory governments visited.

304. The Special Rapporteur wishes to express his concerns regarding the alleged restrictions to the rights to peaceful assembly and freedom of expression in provisions of the Criminal Code Amendment (Prevention of Lawful Activity) Bill, 2015. This amendment creates two new offences in relation to the physical prevention of lawful activities. According to Section 68 AA (2) of the draft law, a person must not, with the intention of preventing a lawful activity that is being, or is about to be, carried on by another person, physically prevent that activity. The penalty, for a person found guilty of this offence, carries a prison term of one year and a fine of $ 12,000. If the offence is committed in circumstances of aggravation, the penalty increases to a two-year prison sentence and a $24,000 fine. Section 68AB prohibits the manufacture, adaption and possession of things intended to be used for the purpose of the prevention of lawful activity. The same mandatory penalties described above apply for this offence.

305. The Special Rapporteur reiterates concerns that provisions of the Bill are ambiguous, and could prohibit peaceful acts of protest and, in their application, establish prohibitions exceeding legitimate restrictions established by the ICCPR, ratified by the

Australian Government 13 August 1980. The Special Rapporteur acknowledges the arguments brought forth in the Government's response on 13 April 2016 to the communication dated 12 February 2016, specifically that the purpose of the aforementioned Bill is "to address a deficiency in Western Australian law relating to policing of incidents where a person locks themselves onto equipment, trees and other objects in order to block roads, or otherwise prevent lawful activity", as well as to address "the absence of an offence specific to situations where lawful activity is prevented from being carried out because of a barrier put in place by the protestors." The Special Rapporteur also notes the Government's clarification that proposed section 68 AB will "apply to situations such as where protestors are found in the vicinity of a proposed obstruction site with devices such as thumb locks, chain locks, arm locks or any article that is adapted for the purpose of creating an obstruction." However, following the Special Rapporteur's visit to Australia, he remains seriously concerned that this Bill and other 'anti-protest' legislation criminalize a wide range of legitimate conduct, and has concerns regarding their potential impact on the exercise of the freedom to peaceful assembly by environmental and indigenous activists.

306. While the abovementioned Bill is currently in its second reading and the amendments Section 68 AA and 68 AB have yet to be adopted in the Criminal Code Act Compilation Act as of the drafting of this report, the Tasmanian Government regrettably enacted similar legislation through the Workplaces (Protection from Protesters) Act in 2014. Since the adoption, the Act has unjustifiably targeted environmental protestors in Tasmania, where the Government has seemingly prioritized business and government resource interests over the democratic rights of individuals to peacefully protest. In his end-of-mission statement, the Special Rapporteur highlighted that human rights defenders have a legitimate right to promote and protect all human rights, including the right to a healthy environment, regardless of whether their peaceful activities are seen by some as frustrating development projects. He recommended that the laws criminalizing peaceful protests be urgently reviewed and rescinded.

307. In his end-of-mission statement of 18 October 2016, the Special Rapporteur also expressed concern surrounding the overall situation of human rights defenders, specifically in regards to the 'chilling effect' of combined measures including the lack of meaningful consultations on government decisions, funding cuts and 'gagging clauses' in funding agreements, the Government's aversion to advocacy, secrecy laws, the Border Force Act, the 'Standing' bill as well as the undermining of the Australian Human Rights Council and stigmatization of individual, or entire groups of human rights defenders. The Special Rapporteur urges the Government to remedy the aforementioned concerns and restore an atmosphere of cooperation and support with human rights defenders.

Bangladesh

308. JUA 28/04/2016 Case no: BGD 2/2016 State reply: 02/05/2016 *(A)*

Alleged excessive use of force by police during a demonstration resulting in the death of four protestors.

309. JAL 31/05/2016 Case no: BGD 3/2016 State reply: none to date

Alleged assassination of two Lesbian Gay Bisexual Transgender and Intersex (LGBTI) rights defenders, Mr. Xulhaz Mannan and Mr. Nahbub Tonroy, in Dhaka, Bangladesh.

310. The Special Rapporteur acknowledges the Government's response to one of the two communications sent during the reporting period. However, he urges the Government to provide substantive responses to both communications considering the seriousness of the allegations.

311. The Special Rapporteur expresses serious concern for the security of human rights defenders and journalists working on human rights issues in Bangladesh. The Special Rapporteur fears that the lack of state protection afforded to human rights defenders, the prevailing impunity for killings as well as the alleged victim-blaming against those attacked or killed in retaliation to their human rights work has led to increased self-censorship and a shrinking of space to promote human rights in Bangladesh. The Special Rapporteur urges the Government to affirm its commitment to protect human rights defenders, to investigate and condemn threats and attacks them, and to uphold the freedom of expression and assembly according to international norms and standards.

312. The Special Rapporteur expresses serious concern at the allegations of the excessive use of force by police against peaceful protesters leading to the killing of at least four persons, and the serious injury of several others. The protestors were demonstrating against the seizure of their land for proposed coal plants by the Bangladeshi conglomerate S. Alam S. Alam, in cooperation with SEPCOIII Electric Power and HTG. No information regarding independent investigations initiated into any of the killings or into persons reported missing following the protest has been communicated to the Special Rapporteur. Further concern is expressed at the alleged filing of criminal cases against roughly 3,200 persons in connection with the protest.

313. The Special Rapporteur also expresses further grave concern in relation to the smear campaign and assassination of human rights defenders Mr. X. Mannan and Mr. M. Tonoy, in retaliation for their human rights work in the promotion of the rights of LGBTI persons, the exercise of their rights to freedom of expression and assembly and their own sexual orientation and gender identity. Mr. Mannan was one of the founders and senior editors of Roopbaan, Bangladesh's first LGBTI magazine, as well as one of the organizers of the annual 'Rainbow Rally'. Mr. Tonoy assisted on a regular basis with the publication of Roopbaan and with the organization of the 'Rainbow Rally'. On 25 April 2016, the two human rights defenders were attacked and killed in their apartment. The killings followed a smear campaign against Rainbow Rally organisers on social media, and threats of physical attack, allegedly coming from radical religious groups. The Special Rapporteur calls on the Government to ensure that the killings are properly investigated and that penal, disciplinary or administrative sanctions are imposed on any alleged perpetrators.

314. The Special Rapporteur is also concerned by information he has received regarding the Foreign Donations (Voluntary Activities) Regulation Act, enacted in October 2016 which allows for the closure or prosecution of foreign-funded NGOs that engage in activities deemed to be 'anti-state' or which make 'derogatory comments about the Constitution and constitutional institutions'. Concerns are expressed that this law may have a negative effect on human rights NGOs in the country, in particular those reporting on human rights violations, and restrict the legitimate exercise of the right to freedom of expression and opinion, as well as the right of assembly. Additional concern is expressed at the alleged continued application of the Information and Communication Technology Act to curtail the legitimate exercise of freedom of expression of human rights defenders, journalists, bloggers, and those with alternative opinions to those of the Government.

Cambodia

315. JAL 03/12/2015 Case no: KHM 6/2015 State reply: none to date

Alleged physical harassment of two Parliamentarians, Mr. Kong Saphea and Mr. Nhay Chamroeun, linked to their legitimate and peaceful exercise of the right to freedom of association and the right to participate in political and public life.

316. JUA 21/12/2015 Case no: KHM 7/2015 State reply: *14/01/2016 (A)*

Allegations of arbitrary arrest and detention, and lack of due process guarantees and fair trial, of members of the opposition parties Cambodia National Rescue Party (CNRP) and Sam Rainsy Party (SRP- which later merged into CNRP).

317. JUA 14/04/2016 Case no: KHM 1/2016 State reply: none to date

Allegations of criminal proceedings brought against Cambodian nationals, including a student, Mr. Kong Raya, to prevent them from exercising their rights to freedom of assembly and expression online.

318. JAL 19/04/2016 Case no: KHM 2/2016 State reply: none to date

Alleged harassment, arbitrary arrest, detention and deportation of several individuals, including members of Mother Nature Cambodia for their activities related to the protection of human rights and the environment.

319. JUA 11/05/2016 Case no: KHM 3/2016 State reply: none to date

Alleged arbitrary arrest and detention of, as well as charges and court procedures against several human rights defenders; including charges brought against a United Nations staff member.

320. JAL 12/07/2016 Case no: KHM 4/2016 State reply: 25/08/2016

Allegations concerning the death of Mr. Ley which may be related to the legitimate exercise of his right to freedom of expression, in particular his advocacy activities related to matters of political and public concern and his work in favour of human rights.

321. JUA 24/11/2016 Case no: KHM 6/2016 State reply: none to date

Allegations concerning continued detention of human rights defenders Ms. Lim Mony, Mr. Ny Sokha, Mr. Nay Vanda, Mr. Yi Soksan and Mr. Ny Chakrya, who have been in detention since April 2016, as well as the situation of human rights defenders Ms. Tep Vanny, Ms. Bov Sophea, Ms. Kong Chantha, and Ms. Bo Chhorvy.

322. PR 12/05/2016

UN rights experts urge Cambodia to stop attacks against civil society and human rights defenders.

323. PR 13/07/2016

UN rights experts condemn killing of Cambodian political analyst and activist Kem Ley.

324. The Special Rapporteur regrets that, at the time of finalising this report, only two responses were received to the seven communications sent during the reporting period. He hopes to receive responses to the other communications promptly.

325. The Special Rapporteur is concerned by what appears to be a direct targeting of civil society, characterized by an escalation of criminal charges, questioning, court proceedings, instances of harassment and public statements against human rights defenders, parliamentarians, members of opposition parties and United Nations personnel during this reporting period. The Special Rapporteur is concerned that legislation and the judicial system, as well as threats of arrest, detention or legal action, have been used by the Government to restrict free speech, both offline and online, by subjecting human rights defenders to periods of detention, imprisonment, and deportation, in addition to dispersing workers, trade union representatives and farmers engaging in peaceful assemblies. The Special Rapporteur would like to highlight that the right to freedom of expression and of assembly and of association are protected under international human rights norms and standards, as enshrined in article 19 and 21 of the ICCPR, ratified by Cambodia on 26 May

1992. The Special Rapporteur urges the Government to take effective measures to protect civil society and respect fundamental freedoms in the country.

326. The Special Rapporteur expresses grave concern at the alleged murder of human rights defender Mr. Kem Ley, who was a popular political commentator and founder of the grassroots Khmer for Khmer advocacy group on 10 July 2016. In this regard, the Special Rapporteur acknowledges the Government's response dated 25 August 2016 to the communication dated 12 July 2016, and appreciates the substantive reply regarding the on-going investigation. However, the Special Rapporteur expresses concerns that the death of Mr. Ley may be related to his legitimate work in defence of human rights, in particular to the exercise of his right to freedom of expression in his advocacy activities.

327. The Special Rapporteur reiterates his concerns regarding the alleged arbitrary arrest and detention, as well as charges brought against, human rights defenders, Ms. Lim Mony, Mr. Ny Sokha, Mr. Nay Vanda, Mr. Yi Soksan, and Mr. Ny Chakrya. The five human rights defenders are affiliated with The Cambodian Human Rights and Development Association (ADHOC), an NGO that provides legal assistance to victims of human rights violations in Cambodia, and engages in human rights advocacy. The National Election Committee (NEC) is an independent institution that supervises elections in Cambodia. Mr. Ny Chakrya is the Deputy Secretary-General of NEC and was former Head of the Human Rights and Legal Aid Section of ADHOC. The five human rights defenders have been detained since May 2016 on charges relating to alleged 'bribery' for providing legal and financial assistance to a woman at the centre of an alleged extra-marital affair of an opposition parliamentarian.

328. During this reporting period the five aforementioned human rights defenders affiliated with ADHOC were the subject of two communications dated 12 July 2016 and 24 November 2016. The Special Rapporteur regrets that at the time of drafting this report no responses were received from the Government to either of these communications, and according to information received, the aforementioned human rights remain in detention. The Special Rapporteur continues to express concerns that ADHOC is being targeted due their peaceful and legitimate human rights work. The Special Rapporteur would like to bring the Government's attention to Opinion No. 45/2016 of the Working Group on Arbitrary Detention, given at its seventy-seventh session, during 21-25 November 2016. The Working Group rendered the following opinion: "the deprivation of liberty of Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakra being in contravention of articles 7,9,10, 11 and 20 of the UDHR and of articles 9, 10, 14, 22 and 26 of the ICCPR, is arbitrary". The Special Rapporteur strongly urges the Government to take the necessary steps to immediately release the aforementioned human rights defenders.

329. The Special Rapporteur expresses further concern regarding the charges brought against Ms. Bov Sophea, Ms. Kong Chantha, Ms. Bo Chhorvy which appear to be related to their legitimate human rights activities and exercise of their rights to freedom of expression, peaceful assembly and association, in particular their involvement in the "Black Monday" campaign and protest against judicial corruption, consisting of weekly peaceful protests, held on Mondays, during which participants wear black clothing to call for the release of five aforementioned detained members of ADHOC as well as, subsequently, for justice for the recent murder of prominent political analyst and 'Black Monday' supporter Mr. Kem Ley.

330 The Special Rapporteur expresses serious concern in regards to allegations of physical attacks, arbitrary arrest and detention, judicial harassment and lack of due process guarantees and fair trial of members of the opposition parties Cambodia National Rescue Party (CNRP) and Sam Rainsy Party (SRP- which later merged into CNRP). The Special Rapporteur is concerned that such actions appear to be directly related to their political views and membership in opposition parties, and may have been motivated by their legitimate and peaceful exercise of their rights to freedom of opinion and expression,

freedom of association, freedom of assembly and to participate in political and public life. Further concerns are expressed that judicial actions against members of political opposition parties may indicate a pattern of suppression of criticism against the Government approaching communal and National Assembly elections. The Special Rapporteur acknowledges the Government's response to the communication dated 21 December 2015 confirming receipt of the communication, and stating "since the cases are currently within the courts' jurisdiction, any request should be directed to the judiciary". However, the Special Rapporteur reiterates his request that the Government investigate the allegations within the communication and relay any pertinent information back to him.

331. The Special Rapporteur welcomes the release of environmental human rights defenders Messrs. Try Sovikea, Sun Mala and Sim Samnang on suspended sentences on 1 July 2016. However, he remains concerned by the fact that the actions brought against them were directly connected to their demands for the respect and protection of rights of indigenous communities affected by alleged illegal sand dredging in the Andoung Toek estuary, in the Koh Kong Province. According to information received, the human rights defenders and members of the environmental grassroots movement Mother Nature Cambodia were held in pre-trial detention for over ten months.

China

332. JAL 23/12/2015 Case no: CHN 13/2015 State reply: 10/02/2016

Alleged sentencing of a human rights defender Mr. Yang Maodong, also known by his pen name Guo Feixiong, to six years' imprisonment on charges of "gathering crowds to disturb social order" and "picking quarrels and provoking trouble".

333. JUA 15/01/2016 Case no: *CHN 1/2016* State reply: *28/02/2016*

Alleged arbitrary arrest and detention of six labour rights activists and human rights defenders, Ms. Zhu Xiaomei, Mr. Meng Han, Mr. Peng Jiayong, Mr. Deng Xiaoming and another male labour rights activist for "gathering a crowd to disturb social order", as well as Mr. He Xiaobo for "illegal misappropriation of workplace funds".

334. JUA 22/04/2016 Case no: *CHN 3/2016* State reply: *22/07/2016*

Alleged arbitrary arrest and detention of two women human rights defenders, Ms. Zhang Shuzhi and Ms. Liu Jie, and lack of access to adequate healthcare services for Ms. Liu Jie while in detention.

335. JUA 03/06/2016 Case no: CHN 4/2016 State reply: 05/08/2016[6]

Allegations concerning the continued detention, deterioration of health condition and ill-treatment including the denial of medical services, of seven human rights defenders.

336. JUA 20/07/2016 Case no: CHN 6/2016 State reply: none to date

Allegations concerning cruel and degrading treatment of Mr. Guo Feixiong in detention, including though medical procedures administered against his will, as well as denial of access to adequate medical services, to relatives and legal counsel.

337. JUA 15/09/2016 Case no: CHN 7/2016 State reply: none to date

Allegations of lack of observance of due process and fair-trial guarantees in the criminal procedures brought against Mr. Zhou Shifeng, Mr. Zhai Yanmin, Mr. Hu

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[6] At the time of publishing no translation for this response was available.

Shigen and Mr. Gou Hongguo, as well as their conviction under ambiguous charges and by virtue of invalid confessions obtained through coercion after a year-long period of incommunicado detention.

338. JUA 27/09/2016 Case no: CHN 8/2016 State reply: none to date

Allegations of the continued arbitrary detention and prolonged solitary confinement of Dr. Wang Bingzhang, his deteriorating health condition while in detention, the denial of access to a lawyer, the limited access for his family, and allegations that the charges against him might be related to his peaceful activities as a pro-democracy activist.

339. JAL 26/10/2016 Case no: CHN 9/2016 State reply: 09/12/2016

Allegations of the arbitrary arrest and detention of Ms. Li Wenzu, as well as alleged acts of intimidation and harassment against her and Ms. Wang Qiaoling, believed to be aimed at further intimidating their spouses, who are human rights lawyers, and in reprisal for cooperation of Ms. Li Wenzu and Ms. Wang Qiaoling with the UN Special Rapporteur on extreme poverty and human rights.

340. *PR 8/4/2016*

UN experts urge China to stop ill-treatment of human rights defender Guo Feixiong.

341. PR 5/3/2016

Newly adopted Foreign NGO Law should be repealed, UN experts urge.

342. PR 12/6/2016

UN experts urge China to investigate disappearance of human rights lawyer Jiang Tianyong.

343. The Special Rapporteur thanks the Government for its responses to five of the eight communications sent during the reporting period, noting that some translations were not available at the time of publishing the report. He awaits substantive responses to the communications that remain unanswered.

344. The Special Rapporteur raises serious concern for the situation of human rights defenders in China, including several troubling trends highlighted by the communications and press releases issued during the present reporting period. According to information received, human rights defenders, human rights lawyers and their family members appear to be have been targeted and detained in an attempt to silence critical voices, and prevent them in the continuance of their legitimate and peaceful human rights work. He stresses the hostile environment for, and criminalization of the legitimate activities of human rights defenders and lawyers through use of criminal law to restrict the exercise of freedom of expression and opinion, freedom of association, freedom of peaceful assembly.

345. The Special Rapporteur expressed concerns over the Law on the Management of Foreign Non-Governmental Organisations' Activities adopted by the National People's Congress on 28 April 2016, and which reportedly entered into force on 1 January 2017. The Special Rapporteur fears for the potentially damaging effects of increasing restrictions on the right to freedom of assembly and association on human rights defenders and civil society, and that this new Law may compromise the role and independence of civil society in the promotion and protection of human rights. The Special Rapporteur is specifically concerned that the broadly drafted and vague provisions and administrative discretion in regulating the work of NGOs may be used to supress dissenting views. Concern is expressed that the Law will have a detrimental impact on domestic civil society organisations which are dependent on funding from foreign NGOs. Furthermore additional concern is expressed that numerous provisions contained in the Law do not comply with

international law and standards pertaining to the rights to freedom of association and of peaceful assembly and the right to freedom of opinion and expression as established under articles 19 and 20 of the UDHR.

346. Human rights defenders and their families appear to have been subject to different forms of intimidation and harassment. The Special Rapporteur acknowledges the Government's response to the communication dated 26 October 2016 regarding the alleged arbitrary arrest and detention of Ms. Li Wenzu, as well as alleged acts of intimidation and harassment against her and Ms. Wang Qiaoling. These actions are allegedly aimed at further intimidating their spouses, who are two of the human rights defenders arrested during the '709' crackdown on human rights lawyers, and were taken in reprisal for cooperation with the Special Rapporteur on extreme poverty and human rights, who visited China from 15 to 23 August 2016. Further serious concern is expressed about the disappearance of human rights lawyer M. Jiang Tianyong who met with the Special Rapporteur on extreme poverty and human rights during his visit to China, and whose whereabouts remain unknown after he visited Changsha, Hunan province, where he accompanied a family member of a detained human rights lawyer to inquire about his/her situation.

347. The Special Rapporteur expresses particular concern for the continued arbitrary arrest, detention, bringing of judicial processes, including the sentencing to lengthy prison terms against human rights defenders. He is concerned by the legal persecution of individuals for exercising their legitimate rights to freedom of opinion and expression, peaceful assembly and association, repeatedly under charges associated with 'picking quarrels and provoking troubles', and 'gathering a crowd to disturb public order', among other ambiguous charges. The Special Rapporteur acknowledges the Government's response to the communication dated 15 January 2016 regarding the arrest and detention of six labour rights activists and human rights defenders. He welcomes the news in the Government's response of the release on bail of Mr. Peng Jiayong, Mr. Deng Xiaoming and Ms. Meng Han, but regrets that the response failed to address the allegations that the human rights defenders did not have access to a lawyer in the course of the judicial proceedings. According to information received subsequent to the Government's reply, Mr. He Xiaobo was released on bail 7 April 2016, while Mr. Han was allegedly sentenced for 'gathering a crowd to disturb public order' and remains in detention.

348. The Special Rapporteur appeals to the Government to take all necessary measures to guarantee that all human rights defenders are subject to fair proceedings before an independent and impartial tribunal. The Special Rapporteur is alarmed at the numerous reports of human rights defenders who were allegedly deprived of due process guarantees of fair trial, including lack of access to legal counsel throughout the entire duration of legal proceedings. In this respect, the Special Rapporteur acknowledges the Government's response to the communication dated 22 April 2016 regarding women human rights defenders Ms. Zhang Shuzhi and Ms. Liu Jie. He reiterates his concerns regarding the allegations that the two women did not have access to legal counsel for the entire duration of their detentions and/or proceedings. The Special Rapporteur expresses concerns regarding the allegations of the incommunicado detention of Ms. Liu, as well as the allegations of the lack of access to family and adequate medical services, including specialized treatment for their health conditions. In reference to a separate case, involving allegations of the lack of observance of due process and fair trial guarantees in the criminal procedures brought against human rights defenders Mr. Shifeng, Mr. Yanmin, Mr. Shigen and Mr. Hongguo, the Special Rapporteur regrets that no response was received to the communication dated 15 September 2016. The Special Rapporteur reiterates his concerns at their conviction under ambiguous charges of 'subverting state power' following allegations that these four human rights defenders' confessions were obtained through coercion following a yearlong period of incommunicado detention. The mandate-holder notes that when persons are deprived of their liberty and held out of contact with others, such as in

incommunicado detention or solitary confinement, their risk of being subjected to torture or ill-treatment is increased.

349. The Special Rapporteur laments the sentencing of writer and human rights defender Mr. Yang Maodong, known by his pen-name Guo Feixiong, to six years imprisonment on charges of 'gathering crowds to disturb public order' and 'picking quarrels and provoking trouble' allegedly as a result of his attendance in a public protest against censorship in August 2013. The Special Rapporteur acknowledges the Government's reply to the communication dated 23 December 2015 regarding the sentencing of Mr. Maodong. However, the Special Rapporteur reiterates his concerns that the trial of the Mr. Maodong may not have met international principles for a fair trial and respect for due process, highlighting the alleged imposition of an additional charge to the case against Mr. Maodong at his sentencing hearing. The Special Rapporteur regrets that no response has been received to the communication dated 20 July 2016 containing allegations of cruel and degrading treatment of Mr. Maodong in detention. He remains extremely concerned by information received regarding this treatment, including allegations of humiliating medical procedures administered against Mr. Maodong's will. Serious concern is expressed about the physical and psychological integrity of the human rights defender given his prolonged hunger strike in protest of his degrading treatment by prison authorities, and lack of adequate medical care.

350. The Special Rapporteur is deeply troubled by information received detailing alleged torture, cruel and inhuman treatment, or otherwise serious ill treatment of human rights defenders while in detention. The Special Rapporteur expresses concern to allegations that several human rights defenders are being denied medical treatment or provided inadequate medical attention, although in some cases they suffer life-threatening conditions that may have a negative impact on their health condition. The Special Rapporteur reiterates his grave concern regarding the treatment of human rights defenders while in detention, which, based on the communications sent during the present reporting period as well as further information received during the period, appears to be incompatible with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which the Government ratified on 4 October 1988 as well as with the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) as revised in 2015 by the United Nations General Assembly resolution 70/175. The Special Rapporteur appeals to the Government to ensure that the treatment of all human rights defenders and detainees complies with international human rights norms and standards.

India

351. JAL 10/12/2015 Case no: *IND 15/2015* State reply: none to date

Alleged arrest and detention of a folk singer and activist, Mr. S. Sivadas, also known by his stage name Kovan, on charges of sedition for the lyrics of two of his recently released songs criticizing the Tamil Nadu state government and Chief Minister.

352. JAL 28/04/2016 Case no: *IND 1/2016* State reply: none to date

Alleged harassment, attacks and death threats against five women human rights defenders, Ms. Shalini Gera, Ms. Isha Khandelwal, Ms. Bela Bhatia, Ms. Malini Subramaniam and Ms. Soni Sori.

353. JAL 10/06/2016 Case no: IND 2/2016 State reply: none to date

Alleged inspection and consequent suspension of the Foreign Contribution (Regulation) Act (FCRA) registration of Lawyers Collective for six months.

154. AL 28/07/2016 Case no: IND 5/2016 State reply: 27/09/2016

Allegations concerning the death of over 30 persons and injuries to hundreds in the state of Kashmir between 8 and 14 July 2016, as a result of excessive use of force against protesters by security forces in response to protests, some of which may have not been entirely peaceful.

155. JUA 16/09/2016 Case no: IND 7/2016 State reply: 30/09/2016

Allegations of arbitrary arrest, detention, intimidation and travel ban issued against Mr. Khurram Parvez in alleged reprisal for cooperating with the United Nations human rights mechanisms.

156. JUA 22/09/2016 Case no: IND 8/2016 State reply: none to date

Allegations concerning forced evictions and demolition of approximately 100 houses in Rangpuri Pahadi, in the South of Vasant Kunj, Delhi, as well as police violence and prolonged detention of three women who resisted the demolitions of their homes.

157. JUA 11/10/2016 Case no: IND 9/2016 State reply: none to date

Allegations concerning arbitrary arrest, detention, intimidation and a travel ban against human rights defender Mr. Khurram Parvez.

158. PR 21.10.2016

UN experts urge India to release prominent human rights defender detained for over a month

159. PR 16.6.2016

UN rights experts urge India to repeal law restricting NGO's access to crucial foreign funding

160. The Special Rapporteur acknowledges the Government's substantive responses to two of the seven communications sent during the reporting period. However, he regrets that responses have not been received to the majority of the communications sent during the present reporting period, despite the serious nature of the allegations. He encourages the Government to fully engage in a sincere and complete manner with the mandates of the Special Procedures of the Human Rights Council by responding substantively to communications.

161. The increasing limitations placed on the legitimate exercise of freedom of expression and opinion, freedom of assembly and association in India during this reporting period are of considerable concern to the Special Rapporteur.

162. The Special Rapporteur remains concerned by the continued use of sedition, criminal defamation laws and other legislation to detain and prosecute human rights defenders, lawyers, activists, journalists and artists who criticize public officials or oppose state policies. The Special Rapporteur notes the alleged attempts to limit the legitimate exercise of the rights to freedom of opinion and expression, also in the form of artistic expression, of folk singer and activist, Mr. S. Sivadas, popularly known by his stage name Kovan. The activist was allegedly arrested and detained in connection to the lyrics of two of his songs criticizing the Tamil Nadu State Government.

163. The Special Rapporteur is further concerned by the apparent increasing limitation placed on associations by the Foreign Contribution Regulation Act (FCRA), whose provisions have been allegedly used to obstruct civil society's access to foreign funding. The Special Rapporteur is alarmed by information received regarding the cancellation of the registration of dozens of NGOs on the basis of burdensome administrative requirements imposed by the FCRA. The Special Rapporteur appeals to the Government to review the

compliance of legislation with international human rights law and standards, and more specifically with the right to freedom of association and assembly as defined in the ICCPR.

364. The Special Rapporteur reiterates his concerns expressed in the communication dated 10 June 2016 regarding the investigation and suspension of the FCRA registration of Lawyers Collective. The Lawyers Collective (LC) is an organization founded by Ms. Indira Jaising, a reputed women human rights defender and lawyer who was a member of the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW), and Mr. Anand Grover, a former United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. According to information received, on 29 November 2016, LC received an order dated 27 November 2016 cancelling its registration under the FCRA, stating that the organisation had violated the terms and conditions of its registration certificate, as well as the provisions of the FCRA, and acted against 'public interest', despite detailed evidence provided by LC to rebut all allegations. The Special Rapporteur is concerned by allegations that the suspension and cancellation of the registration were aimed at intimidating, delegitimizing, and silencing the LC in response to their human rights litigation and criticism of government's policies.

365. Communications sent to the Government during the present reporting period have revealed a worrying trend of targeting of human rights defenders who cooperate with United Nations human rights mechanisms. The Special Rapporteur welcomes the release of human rights defender Mr. Khurram Parvez on 30 November 2016, however, he reiterates concerns that the alleged arbitrary arrest, detention, intimidation and travel ban issued against him were in reprisal for his cooperation with the United Nations, its representatives and mechanism in the field of human rights, such the Special Procedures and the UPR. The Special Rapporteur acknowledges the substantive response received on 27 September 2016, to the communication of 6 September 2016 regarding the detention of Mr. Parvez. He regrets that no response was received to the follow-up communication to the Government's response dated 11 October 2016, which outlined that although the Government's response was substantive, it did not provide any specific factual elements. The Special Rapporteur reiterates his concerns at the implication in the Government's response that Mr. Parvez is not a human rights defender despite his longstanding and positive engagement with the United Nations human rights mechanisms. He also expresses his concern surrounding the timing of the arrest and travel ban against Mr. Parvez, which prevented him from his scheduled attendance at the 33rd session of the United Nations Human Rights Council. The Special Rapporteur wishes to bring the attention of the Government to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanisms and representatives in the field of human rights. Furthermore, the Human Rights Council resolution 22/6 provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the UPR and the treaty bodies".

366. The Special Rapporteur is particularly concerned about the security of women human rights defenders in general, and in the state of Chhattisgarh in particular. Women human rights defenders include both female human rights defenders, and any other human rights defenders working in the defence of women's rights or on gender issues. The Special Rapporteur notes that they face all the same risks as their male counterparts. However, they can also face gender-specific threats and violence, as exemplified by information provided to the Special Rapporteur during this reporting period.

367. The Special Rapporteur is seriously concerned by reports of harassment, defamation, attacks and, threats to the lives of three women human rights defenders, Ms. Lalini Subramanium, Ms. Bela Bhatia and Ms. Soni Soru and two women human rights lawyers, Ms. Shalini Gera and Ms. Khandelwal. They promote women's' rights, including providing

assistance to women who have suffered sexual violence. The Special Rapporteur is deeply troubled by the attack against Ms. Sori, who had a black substance thrown on her face, resulting in intense burning and her hospitalization, and allegedly threatened to carry out a similar assault on her daughter if Ms. Sori continued her efforts to bring justice against a high-ranking police official from the Bastar district of Chhattisgarh. The Special Rapporteur urges the Government to publicly condemn violence against women human rights defenders and to ensure their and their families' effective physical and psychological protection. The Special Rapporteur also expresses serious concern regarding the arrest, detention and alleged sexual harassment and violence against three women who resisted the alleged forced evictions and demolitions of their homes, without prior notice, resettlement plan or a court order while in police custody. Regrettably, the Special Rapporteur has to date received no response from the Government addressing the aforementioned allegations.

368. The Special Rapporteur acknowledges the Government's response to the communication dated 28 July 2016 regarding the death of over 30 persons and injuries to hundreds in the state of Kashmir between 8 and 14 July 2016, as a result of excessive use of force against protestors by security forces and the indiscriminate shooting of live ammunition and pellets into the crowd, in response to protests, some of which may not have been entirely peaceful. The Government ordered a curfew in response to the protests, which imposed strict restrictions on the freedom of movement and of peaceful assembly, and on the right to freedom of expression through a ban on media and communications, including news and entertainment channels, as well as a ban on access to the internet. The Special Rapporteur notes information provided detailing that the issue of the use of pellet guns has been widely debated in the Indian Parliament, and that the Government has constituted an Expert Committee to suggest other possible alternatives to the pellet gun for non-lethal crowd control. The Special Rapporteur remains concerned by allegations of indiscriminate shooting of live ammunition. Nevertheless, he acknowledges the Government's information outlining ongoing investigations and disciplinary measures imposed on various authorities for alleged excessive use of force.

Indonesia

369. JUA 08/12/2015 Case no: IDN 10/2015 State reply: none to date

Allegations of arrest, detention and potential deportation of a human rights defender, Mr Abdulrahman Khalifa Salem Binsobeih, an Emirati citizen, following a request from the authorities of the United Arab Emirates.

370. JAL 19/04/2016 Case no: IDN 2/2016 State reply: none to date

Alleged harassment, arbitrary detention and risk of torture and ill-treatment suffered by LGBTI people from Indonesia's Aceh province due to the enforcement of Islamic criminal by-laws.

371. JAL 02/05/2016 Case no: IDN 4/2016 State reply: none to date

Alleged excessive use of force, degrading treatment and arbitrary arrest of 20 West Papuan activists in Papua Provinces of Indonesia.

372. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to any of the communications sent during the current reporting period. He encourages the Government of Indonesia to fully engage with his mandate, and to provide responses to the serious allegations raised during the present reporting period.

373. The Special Rapporteur remains seriously concerned at the situation of human rights defenders in Indonesia, particularly following discriminatory statements and policies issued by senior government and military officials that have allegedly fuelled violations of the rights of persons belonging to the LGBTI community and the rights of religious minorities.

The Special Rapporteur calls on the State to take all possible steps to ensure the protection of minority and otherwise vulnerable groups, as well as that of individuals defending their rights.

374. Taking into account information received from multiple sources during the present reporting period. The Special Rapporteur expresses concern for the environment in which LGBTI human rights defenders work in the Aceh province. He is particularly concerned by the enforcement of the Principles of the Islamic Bylaw and the Islamic Criminal law (Qanun Jinayah) in the Aceh Province given its alleged detrimental impact of the basic human rights of LGBTI persons and groups who defend their rights. Concern is reiterated at the situation of LGBTI persons and activists following allegations of increased harassment, defamation, censorship of information about sexual orientation and gender identity, discrimination, arbitrary detention, violence, risk of torture and ill treatment of LGBTI persons and human rights defenders.

375. The Special Rapporteur is concerned by the increasing trend to threaten, harass, arbitrarily detain or intimidate human rights defenders in response to their legitimate exercise of the rights of freedom of expression and peaceful assembly. The Special Rapporteur reiterates his concern about the alleged excessive use of force, violence, harassment, arbitrary arrest as measures of retaliation and intimidation against West Papuan activists. He is gravely concerned by allegations of inhuman and degrading treatment of human rights defenders while in police custody.

376. The Special Rapporteur reiterates his concern regarding human rights defender and Emirati national Mr. Abdulrahman Khalifa Salem Binsobeih, who was allegedly arrested and detained on 2 October 2015. The Special Rapporteur expresses concerns that the human rights defender may face risks of being subjected to ill treatment or torture as retaliation for fleeing from the United Arab Emirates. According to information received by the Special Rapporteur, Mr. Binsobeih was regrettably extradited to the United Arab Emirates where he faces charges allegedly based solely on his peaceful and legitimate human rights work. The Special Rapporteur urges the Government to provide detailed information as to the legal grounds for the arrest and detention of Mr. Binsobeih, as well as to the steps taken to assess the potential risks related to his deportation.

Iran (Islamic Republic of)

377. JUA 03/12/2015 Case no: IRN 23/2015 State reply: none to date

Alleged prosecution, including arrest and sentencing, of teachers and teachers' organizations in the Islamic Republic of Iran.

378. JUA 22/01/2016 Case no: IRN 1/2016 State reply: 14/06/2016

Alleged arbitrary detention, denial of due process and inadequate medical treatment of prominent women's rights activist, Ms. Bahareh Hedayat, who has been detained since 31 December 2009.

379. JUA 19/04/2016 Case no: IRN 8/2016 State reply: 09/08/2016

Alleged arbitrary detention and charges brought against a human rights defender, Ms. Narges Mohammadi, with serious health conditions, for her legitimate human rights work and the exercise of her rights to freedom of association and freedom of expression.

380. JUA 28/04/2016 Case no: IRN 10/2016 State reply: none to date

Alleged arbitrary arrest, detention and prosecution of a trade unionist, Mr. Ismail Abdi.

381. JUA 17/05/2016 Case no: IRN 12/2016 State reply: 14/11/2016

Alleged detention and sentencing of four Iranian journalists, Ms. Afarine Chitsaz, Mr. Ehssan Mazandarani, Mr. Saman Safarzai, Mr. Issa Saharkhiz for exercising their right to freedom of expression.

382. JUA 07/06/2016 Case no: IRN 17/2016 State reply: 09/09/2016

Alleged continued detention, abuse of human rights activist Mr. Kaboudvand, as well as alleged denial of adequate medical care while in detention.

383. JUA 22/07/2016 Case no: IRN 21/2016 State reply: 09/08/2016; 29/12/2016; 09/01/2017

Allegations concerning arbitrary arrests and detentions of leading human rights lawyer and co-founder of the Defenders of Human Rights Centre (DHRC) Mr. Abdolfattah Soltani, former student activist Mr. Arash Sadeghi, and human rights defender and journalist Ms. Narges Mohammadi, all currently held in Evin Prison under unreasonably harsh and unjust conditions.

384. JUA 27/10/2016 Case no: IRN 28/2016 State reply: 28/12/2016

Allegations concerning arrest, lack of due process and fair trial, and arbitrary conviction and sentencing of Ms. Golrokh Ebrahimi Iraee, Ms. Fatemeh Daemi, and Mr. Arash Sadeghi, criminalizing the exercise of their right to freedom of expression.

385. JUA 22/11/2016 Case no: IRN 29/2016 State reply: none to date

Allegations of continued harassment of human rights activist Ms. Raheleh Rahemipor, the sister of Mr. Hossein Rahemipor, whose case is under review by the Working Group on Enforced or Involuntary Disappearances.

386. JUA 29/11/2016 Case no: IRN 32/2016 State reply: none to date

Allegations regarding the serious health condition of a detained human rights defender Mr. Mohammed Ali Taheri.

387. PR *11/24/2016*

UN experts condemn charges against Iranian woman seeking missing relatives.

388. PR *5/20/2016*

"A travesty of justice" – UN experts condemn latest conviction of prominent rights defender.

389. The Special Rapporteur thanks the Government of Iran for the responses received to seven of the ten communications sent during this reporting period. He recognises the Iranian government's increased engagement with the mandate, and hopes to receive responses to the remaining communications promptly.

390. The Special Rapporteur expresses his serious concern at the situation of human rights defenders in Iran, who are operating in an increasingly arduous environment where the space for freedom of expression, freedom of assembly and association are extremely restricted. He is alarmed by several negative patterns for human rights defenders highlighted by the communications sent during the present reporting period.

391. The Special Rapporteur laments the targeting, and criminalization of the peaceful and legitimate activities of human rights defenders, trade unionists, lawyers and journalists through the use of ambiguous legislation considered non-compliant with international human rights standards. He reaffirms the opinion expressed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran regarding provisions of the penal code of Iran criminalizing so called 'national security offences'. In the Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

(A/HRC/31/69) he remarks that said provisions are "often so vague and broadly worded that they allow the government to severely limit speech and punish peaceful assembly and association."

392. The Special Rapporteur notes the reoccurring application of charges such as, 'propaganda against the regime', insult to authorities or 'Islamic sanctity' and 'spreading lies in cyberspace' to prosecute and detain human rights defenders for the legitimate exercise of freedom of expression and opinion. Charges of 'participating in an illegal gathering', 'membership of an illegal organisation whose aim is to harm national security', and 'assembly and collusion against national security' have also been used to persecute human rights defenders exercising freedom of assembly and association. The Special Rapporteur acknowledges the response from the Government dated 14 November 2016 to the communication sent on 17 May 2016 regarding the detention and sentencing of four Iranian journalists as well as concerns regarding the situation of previously detained journalist Mr. Issa Saharkhiz. Ms. Afarine Chitsaz, Mr. Ehssan Mazandarani, Mr. Saman Safarzai, and Mr. Davoud Asadi were sentenced to ten, seven, five and ten years in prison respectively for some of the various aforementioned charges. The Special Rapporteur welcomes information provided by the Government that the journalists' sentences have been reduced so that "the maximum punishment of two years of imprisonment is applicable" for Ms. Chitsaz, Mr. Mazandarani and Mr. Safarzai, and that Mr. Saharkhiz' sentence was commuted so that "the maximum punishment of one year and half imprisonment is applicable". However, he regrets that no information was provided regarding Mr. Asadi, and reiterates his concern that the arrest, detention, and sentencing of the aforementioned persons seem to be directly related to their work as journalists.

393. The Special Rapporteur notes that numerous communications sent during this reporting period relate to imprisoned human rights defenders who are serving long sentences for their peaceful activities in defence of human rights. The Special Rapporteur acknowledges receipt of the substantive response from the Government to the communication dated 19 April 2016 regarding the alleged arbitrary detention and charges issued against human rights defender and journalist, Ms. Narges Mohammadi. The Special Rapporteur further acknowledges the two detailed responses received to the communication dated 22 July 2016 regarding the alleged arbitrary arrests and detentions as well as denial of adaquate medical services to Mr. Abdolfattah Soltani, Mr. Arash Sadeghi, and Ms. Narges Mohammadi. The Special Rapporteur appreciates the information received by the Government that the prison charges the human rights defenders are facing have been reduced through implementation of article 134 of the Islamic Penal Code and selective pardons. The sentences of Mr. Soltani were commuted from 18 years imprisonment to ten years imprisonment, while those of Ms. Mohammadi were reduced from 16 years to ten years and finally Mr. Sadeghi's sentences were commuted from an alleged 19 years sentence (including the application of a suspended sentence from a previous case) to seven and a half years. The Special Rapporteur acknowledges that the Government refutes the allegations, nevertheless, he remains seriously concerned that the charges seem to be directly related to their legitimate work as human rights defenders and lawyers, as well as the legitimate exercise of their rights to freedom of opinion and expression and freedom of association. As such, he urges the Government to take all necessary action to release the imprisoned defenders.

394. The Special Rapporteur is alarmed at the multiple communications sent during this reporting period that indicate concerns regarding allegations of arbitrary arrests and detentions, lack of due process and fair trial guarantees, as well as obstacles and intimidations faced by lawyers defending human rights defenders. As mentioned above, the Special Rapporteur acknowledges the Government's response of 28 December 2016. This response was referenced to both the aforementioned communication IRN21/2016, as well as to IRN 28/2016 which both make reference to Mr. Sadeghi. The communication of 27 October 2016 is in regards to the arbitrary conviction and sentence of Mr. Sadeghi, his wife

Ms. Golrokh Ebrahimi Iraee, as well as Ms. Fatemeh (Atena) Daemi. The Special Rapporteur regrets that no information was provided in regards to the allegations regarding the arbitrary conviction against Ms. Golrokh for writing an unpublished fictional story about the practice of stoning to death in Iran, and against Ms. Daemi for her participation in gatherings against the death penalty, Facebook posts, jokes and songs on her mobile phone. The Special Rapporteur reiterates his concern at the arrest, detention, and conviction of Ms. Golrokh, Mr. Sadeghi and Ms. Daemi appear to be directly related to their legitimate exercise of their right to freedom of expression, association and assembly. Moreover, the lack of due process and fair trial guarantees, notably as a consequence of serious restrictions placed to legal defence, including various hindrances and threats faced by the lawyers of the three individuals, as well as the alleged pressure exerted by security authorities on the courts adjudging the cases is of particular concern to the Special Rapporteur.

395. The Special Rapporteur acknowledges the substantive response from the Government to the communication of 22 January 2016 concerning the alleged arbitrary detention, denial of due process and fair trial, and denial of adequate medical services to Ms. Bahareh Hedayat, a prominent student and women's rights activist. The Special Rapporteur appreciates the detailed reply, however remains concerned by the allegations that the judicial procedures under which Ms. Bahareh was sentenced may not fulfil the most stringent guarantees of fair trial and due process, particularly vis-à-vis the right to adequate time and facilities to prepare a defence. In addition, in its report of May 2016 the UN Working Group on Arbitrary Detention stated that the deprivation of liberty of Ms. Hedayat was arbitrary, being in contravention of articles 9, 10, 11, 19 and 20 of the UDHR and articles 9, 10, 14, 19 and 21 of the ICCPR[7].The Special Rapporteur reiterates his appeal to the Government to take all necessary measures to guarantee that human rights defenders are subject to fair proceedings before an independent and impartial tribunal.

396. The Special Rapporteur is also concerned by the practice of adding new charges against human rights defenders while in prison, or detaining human rights defenders following their completion of mandated prison sentences. The Special Rapporteur appreciates the detailed response received from the Government to the communication of 22 July 2016 concerning the allegedly unreasonable and arbitrary new charges imposed on human rights defender, Mr. Mohammad Sadiq Kaboudvand, who was arrested and sentenced in 2007 to 11 years in prison for 'acting against national security' and 'propaganda against the state'. The sentence was reduced to ten years following appeal. Additional charges were brought against the imprisoned human rights defender, and on 8 May 2016 Mr. Kaboudvand started a hunger strike to protest new and allegedly false charges which would elongate his almost completed sentence. The Special Rapporteur welcomes information from the Government that the "date that his prison shall finish is 11th November 2017." However, the Special Rapporteur reiterates his concerns that the ongoing imprisonment of Mr. Kaboudvand seems to be directly related to his work as a human rights activist. The Special Rapporteur is also gravely concerned by the situation of Mr. Mohammed Ali Taheri who, on 28 September 2016 engaged in a hunger strike to protest against the refusal to release him from jail through he had allegedly served his prison sentence.

397. The Special Rapporteur reiterates his concerns that the arrest and detention of members of the Iranian Teachers' Trade Association (ITTA) may be arbitrary, and his serious concerns about their physcial and pscyhological integrity, especially given that the fate and whereabouts of two of them are unknown, and that one of them, Mr. Ismail Abdi has allegedly been held in prolonged periods of solitary confinement. The Special Rapporteur is concerned by the perceived targeting of the ITTA, and the allegation that the

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[7] A/HRC/WGAD/2016

Government is conflating trade union activities and the legitimate exercise of rights to freedom of association, of peaceful assembly, and of expression, with activities against national security.

398. The Special Rapporteur remains concerned by the continued harassment and charges pressed against woman human rights defender Ms. Raheleh Rahemipor, allegedly in retaliation for her cooperation with Special Procedures of the Human Rights Council. Ms. Rahemipor has been charged with 'propaganda against the regime", "participation in unlawful assemblies", and "membership of Rah-e Kargar", following interrogations where she was allegedly specifically questioned about the complaint received by the Working Group. The Special Rapporteur urges the Iranian Government to immediately drop all charges against Ms. Rahemipour and to halt any acts of retaliation against relatives, witnesses and human rights defenders who report cases of enforced disappearances, pursuant to article 13 (3) and (5) of the Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assemble resolution 47/133.

Japan

399. JUA 30/05/2016 Case no: JPN 4/2016 State reply: 16/06/2016

Allegations on acts of intimidation and reprisal against a human rights defender and secretary-general of Human Rights Now, Ms. Kazuko Ito, for facilitating the contacts of the Special Rapporteur on the right to freedom of opinion and expression with civil society during his visit to Japan from 12 to 19 April, 2016.

400. The Special Rapporteur thanks the Government of Japan for the substantive response submitted to the communication dated 30 May 2016 regarding allegations of surveillance of Ms. Kazuko Ito for facilitating and organising meetings of the Special Rapporteur on freedom of opinion and expression with representatives of civil society during his official country visit to Japan. These allegations stemmed from a magazine that reported information received through a leaked memo, allegedly produced by Japanese intelligence agency members ordering the surveillance of Ms. Ito's movements ahead of the Special Rapporteur's visit to Japan. The Special Rapporteur notes the information received from the Government stating that following Ms. Ito's inquiry and the communication received from Special Procedures, this allegation was investigated and both the Public Security Intelligence Agency (PSIA) and the National Police Agency confirmed that they "had neither received such instructions nor conducted such research activities as were reported by the media."

Lao People's Democratic Republic

401. JAL 06/05/2016 Case no: *LAO 2/2016* State reply: none to date

Alleged restrictions on the right to freedom of expression related to the new decree on the Press Activities of Foreign Media Agencies, Diplomatic Missions, and International Organizations in Lao.

402. JUA 25/07/2016 Case no: LAO 3/2016 State reply: none to date

Allegations concerning arbitrary arrest, detention and disappearance of Mr. Phimmasone, Ms. Thammavong and Mr. Chaitad, which appear to be in retaliation for their peaceful and legitimate human rights work.

403. The Special Rapporteur regrets that, at the time of finalising this report, no responses have been received to either of the communications sent during this reporting period. The Special Rapporteur encourages the Government of Lao People's Democratic Republic to

fully engage with the mandates of the Special Procedures of the Human Rights Council and to provide substantive responses promptly.

404. The Special Rapporteur expresses his concern regarding the alleged restrictions on the right to freedom of expression related to the new decree No. 377 of 24 November 2015 on the Press Activities of Foreign Media Agencies, Diplomatic Missions, and International Organizations in Lao PDR, which entered into force on 15 January 2016. The mandate holder maintains his concerns that the decree could unduly restrict the legitimate exercise of the right to freedom of expression and access to information in Lao PDR, which are key rights enabling the work of human rights defenders, in contradiction to international human rights standards, notably, the ICCPR, which Lao PDR ratified on 25 September 2009.

405. The Special Rapporteur reiterates his serious concern regarding the allegations of arbitrary arrest, detention and disappearence of human rights defenders, Mr. Somphone Phimmasone, Mr. Soukane Chaithad, and Ms. Lodkham Thammavong. The three are members of Free Laos and Human Rights, a network of Lao nationals based in Thailand that campaigns through social media and peaceful demonstrations for the promotion and protection of human rights in Laos. Following their arrests in March 2016, on 25 May 2016, state-run television showed the three human rights defenders in custody at police headquarters. The news report allegedly stated that they had been arrested for threatening national security by using social media to tarnish the Government's reputation. The Special Rapporteur is concerned that these acts are in direct relation with the individuals' legitimate exercise of their freedom of expression, which a crucial prerequisite for promoting all other human rights. The mandate holder expresses serious concerns about the physcial and pscyhological integrity of Mr. Phimmasone, Ms. Thammavong and Mr. Chaithad, especially given that no information has been provided to the Special Rapporteur regarding their fate and whereabouts. The Special Rapporteur urges the Government to respond to the communication letter dated 25 July 2016.

Malaysia

406. JAL 16/12/2015 Case no: *MYS 4/2015* State reply: none to date

Allegations of charges brought against a woman human rights defender Ms. Maria Chin Abdullah, for her role in organizing peaceful protests.

407. JAL 23/03/2016 Case no: *MYS 2/2016* State reply: none to date

Alleged undue restrictions on the right to freedom of expression caused by the blocking of access to the online news portal "The Malaysian Insider" by the Malaysian Government.

408. PR *09/12/2016*

UN experts call on Malaysia to stop targeting human rights defenders under national security legislation.

409. The Special Rapporteur regrets that no response has been received to any of the communications sent during the present reporting period, and urges the Government to engage with his mandate and provide responses to the communications sent.

410. The Special Rapporteur is concerned by the increasing shrinking space for civil society in the State, and particularly in regards to freedom of opinion, expression, assembly and association. He is concerned by the alleged charges brought against Ms. Maria Chin Abdullah, a woman human rights defender working for the promotion of women's rights, good governance and democracy in Malaysia. She is Chairperson of the Coalition for Clean and Fair Elections (BERSIH 2.0), a coalition of non-governmental organisations that advocate for electoral reform and democratic rights in Malaysia through peaceful protest and widespread social action. On 29 and 30 August 2015, BERSIH 2.0 held a peaceful rally

to demand the implementation of institutional reforms to fight corruption and ensure the protection of fundamental freedoms in Malaysia. Ms. Abdullah was reportedly charged under article 9(5) of the 2012 Peaceful Assembly Act, for failing to give notice to police 10 days prior to the holding of the BERSIH 4.0 rally, despite reports that she attempted to provide police with a letter of notice on two separate occasions. The mandate-holder is concerned that the charged of Ms. Abdullah are directly related to her legitimate human rights activism. The Special Rapporteur expresses concern at the continued targeting of members of BERSIH 2.0 despite previous appeals from various mandate-holders of the United Nations Special Procedures. The Special Rapporteur reiterates his concern at the ongoing crackdown suffered by BERSIH 2.0 as well as its supporters and members, who over the past several years, have been the targets of reported defamation campaigns, violence, harassment, travel bans, and alleged arbitrary arrests and detentions, as a result of their peaceful and legitimate activities as human rights defenders and the exercise of their rights to freedom of expression, peaceful assembly and association.

411. The Special Rapporteur additionally expresses his concern at the Sedition Act and Communications and Multimedia Act (CMA), and their application to restrict dissenting views, such as the alleged blocking of access to the online news portal "The Malaysian Insider" by the Government under section 233 of the CMA concerning the use of network facilities to knowingly make or transmit information that is false, with the intention to harass others. The mandate holder is concerned that this action, in addition to the alleged blocking of several other news websites, highlights a worrying trend, and will as a result exert a chilling effect on other media, stifling independent journalism, and the legitimiate exercise of freedom of expression.

412. The Special Rapporteur wishes to reaffirm the importance and legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals recognised in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the United Nations General Assembly on 9 December 1998. He urges the Government to take all necessary measures to ensure the protection of human rights defenders, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action.

Maldives

413. JAL 26/05/2016 Case no: MDV 1/2016 State reply: none to date

Alleged restrictions on the right to freedom of expression related to the draft legislation "Protection of Reputation and Good Name and Freedom of Expression Bill" in the Maldives.

414. The Special Rapporteur regrets that no response was received regarding the communication sent during this reporting period.

415. The mandate- holder urges the Government, in the spirit of co-operation and dialogue, to respond to the communication dated 26 May 2016 in relation to the "Protection of Reputation and Good Name & Freedom of Expression Bill", submitted to parliament on 21 March 2016. The Special Rapporteur reiterates his concerns that the legal framework of the draft legislation re-defines the limits of protected speech in a way that is incompatible with the right to freedom of expression as guaranteed under international human rights law. According to information received by the Special Rapporteur, subsequent to sending the communication, the Bill was adopted 9 August 2016 by the Parliament and the President ratified it on 11 August 2016. The legislation establishes national security, religion, defamation and social norms as grounds upon which the right to freedom of expression can be limited, creating a legal basis for criminal sanctions against the breach of some of its

provisions. Furthermore, there are concerns that the definition and interpretation of all of the four grounds for limitation lack sufficient precision to avoid undue interference and overly broad discretion from the authorities to restrict the exercise of the right to freedom of expression, which a key right to claim other rights. The Special Rapporteur echoes the Special Rapporteur on freedom of expression's concern that the Bill limits the right to freedom of expression to such a degree that the right itself has been placed in jeopardy. Similar concern is expressed at the 'chilling' effect that the Bill could have on civil society organizations, human rights defenders, the media, and those with dissenting or alternative opinions.

Myanmar

416. JUA 02/02/2016 Case no: MMR 1/2016 State reply: 23/02/2016

Alleged re-arrest and detention of a former prisoner of conscience, Mr. Shin Gambira, also known as Nyi Nyi Lwin.

417. JUA 26/08/2016 Case no: MMR 2/2016 State reply: 06/10/2016

Allegations concerning criminal prosecution of environmental and political activist Mr. Khine Myo Htun for the publication of statements criticizing the Myanmar military.

418. The Special Rapporteur thanks the Government for its responses to all communications sent during the reporting period.

419. The Special Rapporteur acknowledges the Government's substantive response of to the communication dated 2 February 2016 regarding the detention of Mr. Shin Gambira (also known as Nyi Nyi Lwin), a former Buddhist monk, activist and a founding member of the All Burma Monks' Alliance. Concerns have been expressed that the detention might be linked to his past human rights activities. Furthermore, having reportedly been subjected to torture and ill-treatment, including denial of medical treatment whilst previously detained, the Special Rapporteur expressed his serious concern for the physical and psychological integrity of Mr. Gambira. According to information received by the Special Rapporteur subsequent to the Government's reply, in late April 2016, Mr. Gambira was sentenced to six months in prison with hard labour for 'illegally' returning to his country under Section 13 (1) of the 1947 Myanmar Immigration Act. The Special Rapporteur wishes to underline the Opinion No. 33/2016 of the United Nations Human Rights Council's Working Group on Arbitrary Detention, issued at its seventy-sixth session of 22-26 August 2016. The Working Group rendered the following opinion: "the deprivation of liberty of Mr. Gambira was arbitrary, being in contravention with articles 10 and 13 of the UDHR." The Special Rapporteur welcomes the information provided to the Working Group stating that Mr. Gambira was released on 2 July 2016. Further to this, the Working Group believes that, taking into account all the circumstances of the case, including the release of Mr. Gambira, the adequate remedy would be to accord him an enforceable right to compensation.

420. The Special Rapporteur expresses concern at the use of criminal defamation to target views that are deemed critical or dissenting, especially when connected to a matter of high importance to society. He expresses concerns regarding the ongoing alleged arbitrary detention and criminal prosecution of Mr. Khine Myo Htun, an environmental and political activist, in relation to the publication of statements by the Arakan Liberation Party (ALP), of which he is an official, criticizing the Myanmar military and accusing them of severe human rights violations. The Special Rapporteur acknowledges the response received to the communication dated 26 August 2016, nonetheless, he reiterates his concerns that Mr. Htun's arrest, detention and the charges brought against him could represent a criminalization of the legitimate exercise of his right to freedom of expression. Additionally, he fears that actions against Mr. Htun may carry an element of reprisal for his

cooperation with the United Nations human rights mechanisms. According to information received by the Special Rapporteur, Mr. Htun has been detained since his arrest on 25 July 2016 pending a court decision on whether to charge him with sedition and incitement under articles 505(b) and 505(c) of the Criminal Code. Mr. Htun has been reportedly denied bail twice despite his poor health condition.

Pakistan

421. JAL 02/12/2015 Case no: PAK 12/2015 State reply: none to date

Allegations concerning the killing of a Pakistani journalist and human rights activist, Mr. Zaman Mehsud, in relation to the exercise of his legitimate right to freedom of opinion and expression.

422. JUA 24/02/2016 Case no: PAK 5/2016 State reply: none to date

Alleged serious threats to kill Ms. Asma Jahangir, a prominent lawyer and human rights defender, as a result of her legitimate human rights work.

423. JUA 25/02/2016 Case no: PAK 4/2016 State reply: none to date

Alleged arbitrary arrest, detention and charging of a human rights defender, Mr. Saeed Baloch.

424. JUA 16/03/2016 Case no: PAK 6/2016 State reply: none to date

Allegations of threats and a subsequent attempted assassination of a human rights defender and transgender activist Adnany, as well as discriminatory conduct of hospital staff members towards her.

425. JUA 14/06/2016 Case no: PAK 7/2016 State reply: none to date

Allegations concerning alleged assassination of human rights defender and journalist, Mr. Khurram Zaki.

426. The Special Rapporteur regrets that no reply has been received from the Government of Pakistan to the letters addressed by the Special Rapporteur in the reporting period especially with a view to the serious and preoccupying nature of allegations contained in these letters. He encourages the Government to engage in full-fledged cooperation with the mandates of the Special Procedures of the Human Rights Council.

427. The Special Rapporteur expresses his serious concern for the security of human rights defenders, who are operating in a violent and dangerous environment, highlighted by the communications sent during the present reporting period. The mandate-holder also wishes to highlight the growing dangers faced by human rights defenders working on issues of minority, religious or LGBTI rights within Pakistan, in particular in rural areas, and urges the Government to take every measure to ensure that all human rights defenders within the country are provided with the protection that their essential role merits.

428. The Special Rapporteur is deeply concerned by the allegations of assassinations of journalists and human rights defenders in relation to the exercise of their legitimate right to freedom of opinion and expression. According to the information received by the Special Rapporteur, more than 50 journalists and media workers have lost their lives in Pakistan since 2001. It is reported that 30 of these media workers were deliberately targeted and killed for their legitimate journalistic practice.

429. The mandate-holder is gravely concerned by the killing of journalist and human rights activist, Mr. Zaman Mehsud on 3 November 2015 by unknown gunmen on motorbikes. Mr. Zaman was a journalist for the Pakistani Urdu newspaper *Daily Umet* and SANA news agency. He was also member of the NGO Human Rights Commission of Pakistan, and served as president and secretary general of the South Waziristan chapter of

Tribal Union of Journalists. It is reported that hours after the killing, a Taliban commander claimed responsibility for the attack in a statement to a news agency, where he allegedly stated that Mr. Mehsud was killed "because he was writing against us" and also threatened that more attacks on media could follow. Similarly, the Special Rapporteur reiterates his grave concerns regarding the alleged assassination of human rights defender and journalist, Mr. Khurram Zaki. He was the editor at *Let Us Build Pakistan* (LUBP), an online news portal established to promote an inclusive and democratic Pakistan, and to support freedom of religion. Mr. Zaki campaigned for the rights of religious minorities and peace among religious groups in Pakistan, including through social media. In December 2015, Mr. Zaki led street protests demanding that a cleric be arrested and charged with hate speech for allegedly justifying attacks such as a school massacre in Peshawar that took place on 16 December 2014. In April 2016, an online smear campaign began against Mr. Zaki and LUBP. A month later, on 7 May 2016, Mr. Zaki was assassinated by two armed, unknown assailants on motorbikes. A spokesman for a faction of the Pakistani Taliban reportedly stated they were behind the shooting, and that Mr. Zaki was killed due to his campaign against the cleric of the Red Mosque. Grave concern is expressed at the assassination of the two aforementioned human rights defenders and journalists who were assassinated in direct retaliation for their legitimate human rights work and peaceful exercise of the right to freedom of expression. Further serious concern is expressed for the security of the families of the human rights defenders. The Special Rapporteur calls on the Government to ensure that these appalling crimes are properly investigated and that penal, disciplinary or administrative sanctions are imposed on any alleged perpetrators.

430. The Special Rapporteur also stresses specifically his concerns for women human rights defenders working in Pakistan. The Special Rapporteur is extremely concerned about the security of human rights lawyer and human rights defender, Ms. Asma Jahangir, following alleged threats to her life. On 3 February 2015, while in Sri Lanka, she was informed by Government of serious threats against her life and an alleged plot for her assassination by members of "Daesh" (al-Dawla al-Islamiya al-Iraq al-Sham) which was directly linked to her legitimate human rights activities. Ms. Jahangir is the former President of the Supreme Court Bar Association, as well as a founding member of the Human Rights Commission of Pakistan. Ms. Jahangir previously served as United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on freedom of religion or belief for a combined total of 12 years. In November 2016 Ms. Jahangir took office as the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The Special Rapporteur urges the Government to take all possible measures, in consultation with Ms. Jahangir, to ensure her and her family's safety, including increasing protective and security measures.

431. The Special Rapporteur also expresses serious concerns about the physical integrity of Adnany, a human rights defender and transgender activist subsequent to reported threats and an assassination attempt against her. Further concern is expressed at the alleged discrimination against her by staff at Lady Reading Hospital in Peshawar who refused to treat her after she was shot and critically wounded on 5 January 2016 by two motorcyclists. At the time of finalizing this report, no information has been provided to the Special Rapporteur regarding any investigation into the alleged attempted assassination. Adnany had previously received threats such as threatening phone calls and visits to her home. According to information received by the Special Rapporteur another transgender human rights defender was attacked and killed in May 2016. Consequently, the Special Rapporteur remains particularly concerned about the security of Adnany, and other LGBTI rights defenders, highlighting that defenders working on non-discrimination and equality for LGBTI individuals are frequently targeted for their work, harassed, and sometimes even killed. In this regard, he urges the Government to take all possible measures, in consultation with the defenders to establish gender-sensitive protection plans.

432. The Special Rapporteur expresses concern at the alleged arbitrary arrest, incommunicado detention and charging of human rights defender and trade unionist Mr. S. Baloch in relation to his legitimate human rights work and peaceful social activism. The human rights defender is, inter alia, the General Secretary of the Pakistan Fisherfolk Forum (PFF), an NGO working peacefully with fishers and other community members to advocate for food security and the protection of the livelihoods of small-scale fishers in Pakistan. He is also a member of the Human Rights Commission of Pakistan. He was arrested on 16 January 2016 and allegedly held in incommunicado detention, brought before the Court and charged under the Anti-Terrorism Act (ATA) 1997. Mr. Baloch allegedly did not have access to legal representation and was placed under three-month detention. The Special Rapporteur welcomes information received that Mr. Baloch was finally released from prison on bail on 1 August 2016. According to available information, no official charges have as of yet been brought against him. The Special Rapporteur urges the Government to refrain from targeting human rights defenders for their legitimate exercise of their rights to freedom of association, and expression, in conformity with international human rights standards.

Philippines

433. JAL 24/12/2015 *Case no: PHL 6/2015* *State reply: none to date*

Alleged killing of three activists, Mr. Datu Ruben Laydan Enlog Jr., Mr. Randy Lavarcon Carnasa, and Mr. Oligario Quimbo and attempted killing and filing of charges against a human rights defender, Ms. Aida Seisa.

434. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter of 24 December 2015, especially given the extremely serious nature of allegations.

435. The Special Rapporteur is gravely concerned by the alleged killing of Mr. Datu Ruben Laydan Enlog Jr., a tribal chieftain, Mr. Randy Lavarcon Carnasa, a village leader, Mr. Oligario Quimbo, a farmer and activist, and the attempted killing and filing of charges against the human rights defender, Ms. Aida Seisa. Ms. Seisa is a human rights defender and the spokesperson of Paquibato District Peasant Alliance (PADIPA). She led a fact-finding mission into reports of on-going human rights violations allegedly perpetrated by members of the 69th Infantry Battalion of the Philippine Army (69th IBPA) in June 2015. On 12 June 2015, Ms. Seisa was made aware that criminal charges had allegedly been filed against her at the City Prosecution Office of Davao. Further to this, it is alleged that on the night of 13 June 2015, soldiers from the 69th IBPA surrounded Ms. Seisa's house in Davao City, where her family and neighbours had gathered for a social occasion. The soldiers allegedly proceeded to open fire on the house, and continued shooting for approximately thirty minutes, resulting in the killings of Mr. Enlog Jr., Mr. Carnasa, and Mr. Quimbo. Ms. Seisa was able to flee the scene unharmed, along with family members and several guests. The Special Rapporteur laments the Government's failure to respond to these allegations of extreme gravity. He urges the Government to provide details regarding actions undertaken to investigate the alleged crime and take any necessary steps to ensure the physical and psychological security of the aforementioned individuals and their families. Further concern is expressed at the allegedly unfounded criminal charges filed against Ms. Seisa and the connected criminal proceedings that remain open against her, which are feared to be a direct retaliation for Ms. Seisa's investigative human rights work.

436. The Special Rapporteur is deeply concerned by the situation of human rights defenders in the Philippines due to the hostile environment that they are working in. As reported in information provided to his mandate, at least 31 human rights defenders have allegedly been killed in 2016. In addition, the Special Rapporteur fears that the Government's attitude towards extra-judicial killings places human rights defenders at a

greater risk. He wishes to express his concerns at information received about speeches given by public officials allegedly linking the human rights defenders' criticism of purportedly drug-related extra-judicial killings and the increasing drug-use and drug related deaths in the country. The Special Rapporteur is perturbed by such statements, which are likely to have a grave impact on the security of human rights defenders who are already at serious risk. He urges the Government to take measures to ensure that public officials abstain from making statements or declarations stigmatising the legitimate work of human rights defenders, revoke such statements and publicly recognise the positive role of human rights defenders in the society. The Special Rapporteur calls on the Government to take every measure to ensure that all human rights defenders within the country are provided with the protection that their crucial role merits, in accordance with Article 12 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998.

Republic of Korea

437. JAL 26/07/2016 Case no: KOR 3/2016 State reply: 28/10/2016

Allegations concerning the arrest, detention and sentencing of Mr. Sang-gyun Han, which appear to be in relation to his human rights work defending labour rights.

438. PR [illegible]

South Korea: UN rights expert calls for independent investigation into lethal use of water cannon.

439. The Special Rapporteur thanks the Government for the detailed response received to the communication dated 26 July 2016. He notes the information provided in the substantive reply refuting the allegations that the five-year sentence brought against human rights defender and trade unionist, Mr. Sang-gyun Han, was for the legitimate exercise of his rights to freedom of expression and freedom of peaceful assembly. He also acknowledges that "the prosecution against Mr. Han was not simply 'organising illegal assembly' but included 'special obstruction of public duty', 'special obstruction of public goods', 'general obstruction of traffic' and violations of the Assembly and Demonstration Act." Nevertheless, the Special Rapporteur reaffirms the concerns brought forward by the Special Rapporteur on the rights to freedom of peaceful assembly in his country report of June 2016[4] stating that "charging assembly participants with certain criminal offenses, such as the general obstruction of traffic, de facto criminalises the right to peaceful assembly."

Singapore

440. JAL 10/06/2016 Case no: SGP 2/2016 State reply: 17/06/2016

Alleged defamation charges and campaign of harassment against human rights defender Mr. Roy Ngerng

441. JUA 20/06/2016 Case no: SGP 4/2016 State reply: 01/12/2016

Allegations concerning criminal prosecution of Mr. [redacted] and the charges brought against him.

442. JAL 01/07/2016 Case no: SGP 5/2016 State reply: none to date

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[4] A/HRC/32/36/Add.2

Allegations concerning the harassment of two human rights defenders and bloggers, Ms. Teo Soh Lung and Mr. Roy Ngerng, for breaching election advertisement regulations.

443. The Special Rapporteur thanks the Government of Singapore for the responses provided to two of the three communications sent in the reporting period, and requests the Government to submit a reply to the remaining communication as well.

444. The issue of restrictions on freedom of expression is of particular concern to the Special Rapporteur, in particular the shrinking of internet space and freedoms, which has had a profound effect on human rights defenders who use social media and the internet as a platform for the promotion of human rights and for providing transparency for good governance. The Special Rapporteur reiterates his concerns about the defamation charges brought against human rights defender and blogger Mr. Roy Ngerng, for his articles posted on an Internet blog about alleged mismanagement of public retirement funds from the Central Provident Fund, pointing to implications of the Prime Minister. The Special Rapporteur expresses his concerns at the defamation charges and campaign of harassment against Mr. Ngerng, which appear to be in retaliation for his peaceful and legitimate human rights work, and exercise of his rights to freedom of opinion and expression. The Special Rapporteur is further concerned about the award of excessive amount of damages that Mr. Ngerng was ordered to pay to the Prime Minister, as well as about the use of civil defamation lawsuits to stifle opinions expressed online.

445. In this connection, the Special Rapporteur also expresses his concerns about the trial of another blogger, Mr. [redacted], following a post on his Facebook page, where he criticized Islam. Mr. [redacted] faces eight charges, including for allegedly wounding the feelings of Muslims and Christians. The Special Rapporteur is gravely concerned about the criminal prosecution of Mr. [redacted], which represent limitations to his right to freedom of opinion and expression that are incompatible with international human rights standards.

446. The Special Rapporteur is also concerned about the harassment by police of Ms. Teo Soh Lung and Mr. Roy Ngerng, for allegedly posting election advertising on a 'cooling-off day'. The Special Rapporteur reiterates his views expressed earlier that Singapore's limitations on the right to freedom of opinion and expression are not in in compliance with the Government's obligations under international human rights law. In this connection, the Special Rapporteur would like to stress that the Government of Singapore noted a recommendation in the second cycle of UPR in 2016, which called on to eliminate media censorship and prevent self-censorship, and to protect bloggers from persecution and harassment for the exercise of their fundamental rights[8].

Thailand

447. JUA 25/02/2016 Case no: *THA 9/2015* State reply: *29/02/2016*

Alleged charges, detention and/or convictions of 26 persons in relation to lèse-majesté offences, for having exercised their right to freedom of opinion and expression.

448. JAL 27/05/2016 Case no: *THA 3/2016* State reply: *30/05/2016*

Alleged restrictions on the right to freedom of expression related to the upcoming constitutional referendum of 7 August 2016 in Thailand.

449. JUA 27/05/2016 Case no: *THA 4/2016* State reply: *01/06/2016*

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[8] A/HRC/32/17/Add.1

Allegations concerning a series of laws, orders and announcements that unduly interfere with the rights to freedom of opinion and expression and the right to freedom of peaceful assembly and association, and have been used to target civil society.

450. JUA 13/06/2016 Case no: THA 2/2016 S tate reply: none to date

Allegations concerning killing of human rights defender Mr. Payao Panroj, the disappearance of human rights defender Mr. Den Kamlae, the attempted killing of human rights defender Mr. Supoj Kansong, and the threats facing the Network of Individuals Affected from Gold Mining.

451. JUA 22/07/2016 Case no: THA 5/2016 State reply: none to date

Allegations concerning criminal prosecution against 13 activists for campaigning to vote against the upcoming constitutional referendum in Thailand.

452. JUA 04/08/2016 Case no: THA 6/2016 State reply: 05/08/2016

Allegations concerning charges brought against human rights defenders Ms. Porpen Khongkachonkiet, Mr. Somchai Homla-or and Ms. Anchana Heemmina for the legitimate exercise of their rights to freedom of expression and freedom of association.

453. JAL 16/11/2016 Case no: THA 7/2016 State reply: 17/11/2016; 19/01/2017

Allegations concerning sentence against human rights defender Mr. Andy Hall for conducting research and reporting on the precarious working conditions of migrant workers in the food processing industry.

454. PR 7/26/2016

UN Expert urges Thailand to ensure free debate ahead of the constitutional referendum.

455. The Special Rapporteur thanks the Government for the responses received to five of the seven communications sent during the present reporting period. He hopes to receive responses to the remaining communications shortly.

456. The Special Rapporteur is seriously concerned by the shrinking of civil society space in Thailand, vis-à-vis regulations curtailing the legitimate and peaceful activities of human rights defenders, civil society, and political opponents. He is especially distressed by the application of legislation relating to defamation, lèse-majesté, sedition, as well as the National Council for Peace and Order (NCPO) orders and announcements to stifle the legitimate exercise of fundamental rights in the State.

457. The Special Rapporteur acknowledges the Government's response received of 29 February 2016 to the communication dated 25 February 2016 regarding the investigation, charges against, detention and/or conviction of 26 persons for alleged crimes of lèse-majesté, including 15 individuals who are being tried by military courts. The Special Rapporteur notes the Government's affirmation that the "lèse-majesté law is not aimed at curbing people's rights to freedom of expression, but gives protection to the rights or reputations of the King, Queen, the Heir-apparent, or the Regent". Nevertheless, the Special Rapporteur reiterates his concerns surrounding the application of the lèse-majesté (article 112 of the Criminal Code) and the Computer Crime Act, specifically in regards to their apparent inconformity with Article 19 of the ICCPR, ratified by Thailand on 29 October 1996, as these do not meet the strict tests of necessity and proportionality. The lengthy prison sentences, denial of release on bail, and cases where trials are held before military courts for lèse-majesté related offences are of particular concern to the Special Rapporteur. He regrets that the Government response did not address serious allegations regarding lack

of access to adequate health services and medical treatment of detainees, including persons with serious health conditions. In a separate case involving charges of defamation and violations of the Computer Crime Act brought against human rights defenders Ms. Porpen Khongkachonkiet, Mr. Somchai Homla-or and Ms. Anchana Heemmina, the Government's dated 5 August 2016 to the communication of 4 August 2016 is duly acknowledged. Notwithstanding, the Special Rapporteur remains concerned that the aforementioned charges appear to be related to the individuals' human rights work and to their exercise of their right of freedom of expression for publishing a report entitled "54 cases of torture and ill-treatment in the Deep South documented in 2014-2015".

458. The Special Rapporteur expresses ongoing concern following the suspended sentence against human rights defender Mr. Andy Hall on 'criminal defamation' and Computer Crime Act charges, based upon a complaint made in direct response to his contribution to a report containing serious allegations of labour rights abuses by the Natural Fruit Company Ltd.'s pineapple processing plant in Prachuap Khiri Khan Province. At the time of finalising this report, the legal team representing the British human rights defender were submitting an appeal on the conviction. According to information received, Natural Fruit Company also submitted an appeal on sentencing, advocating for a custodial sentence. Further concern is expressed at the two migrant workers, Ms. Ye Ye and Mr. Su Yong facing theft charged after seeking to provide proof for human rights violations at a poultry farm. The Special Rapporteur is concerned by the potential chilling effect of these sentences and charges on other human rights defenders and civil society activists working in Thailand who could be exposed to further human rights violations perpetrated by non-State actors, including business enterprises. The Special Rapporteur appreciates the two substantive responses received in reference to the communication sent 16 November 2016. He welcomes the Government's affirmation that the Royal Thai Government supports the adoption of the UN Guiding Principles on Business and Human Rights (UNGP) and is preparing a mechanism for the protection of human rights defenders.

459. The Special Rapporteur takes note of the acknowledgement of receipt to the communication of 27 May 2016 and at the meantime regrets that no further information was communicated concerning the Referendum Act, which was adopted on 7 April 2016 and entered into effect 22 April 2016. In the communication, concerns were raised that the overly broad language of the Referendum Act does not conform to the standards of international human rights law on the right to freedom of expression. According to information provided to the Special Rapporteur subsequent to sending the communication, the new constitution was approved in the referendum held on 7 August 2016. However, the Special Rapporteur wishes to reiterate his concerns that the Referendum Act, accompanied by the lèse-majesté and the Computer Crime Act have been used to criminalize, severely restrict and deter the exercise of the rights of freedom of expression and access to information in Thailand, in particular on those expressing dissenting and critical views ahead of the Referendum. Further to this, the Special Rapporteur reiterates his concerns regarding the criminal prosecution against 13 activists of the New Democracy Movement (NDM) for campaigning to encourage voters to reject the draft Constitution on the grounds that the draft lacks important democratic guarantees. In matters of high public and political interest, such as a constitutional referendum, the mandate-holder restates the importance of allowing and encouraging diverging opinions and public debate by citizens, civil society actors and by the media.

460. The Special Rapporteur acknowledges the reply of the Government dated 1 June 2016 to the communication of 27 May 2016 concerning the series of orders, acts and announcements adopted by the ruling NCPO that allegedly obstruct the legitimate exercise of the rights to freedom of expression and freedom of association, as well as severely limit activities of civil society organisations and human rights defenders. The Special Rapporteur notes the Government's affirmation that "Thailand is in a crucial period of transition" and that the "Government has, therefore, promulgated a number of laws, including the Act on

Public Assembly, to ensure that public order and social harmony prevail". However, he wishes to bring the Government's attention to Article 18 (2) of the UN Declaration on Human Rights Defenders which highlights that "individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes." As such, the Special Rapporteur remains alarmed by certain provisions of Order 3/2015, Order 5/2013 and Order 13/2016, announcements 37/2014, 38/2014, and 50/2014 as well as the Act on Public Assembly with regard to the reportedly insufficient procedures, lack of adequate judicial oversight, and overly broad definitions of the provisions which purportedly grant powers to security officers to unduly interfere with the rights to freedom of opinion and expression, freedom of peaceful assembly and freedom of association. Additionally, under these provisions the right to participate in public affairs and the right to publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights, enshrined in Article 6 and 8 of the UN Declaration on Human Rights Defenders have also come under threat. The Special Rapporteur urges the Government to ensure that the aforementioned rights are respected within the country, as they are crucial for the functioning of a thriving democratic society.

461. The Special Rapporteur expresses grave concern for reports received during the present reporting period in relation to killings, disappearances, attempted killing and threats made against human rights defenders in Thailand. The Special Rapporteur considers these cases to be illustrative of the serious risks currently faced by human rights defenders working on environmental and land rights issues. He reiterates findings detailed in his report on the Situation of human rights defenders of 3 August 2016[10] indicating that most individuals and groups facing threats are those who oppose land grabbing, extractive industries, the industrial timber trade and large scale development projects. He also wishes to recall the Human Rights Council resolution 31/32 which reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues. With this in mind, he urges the Government to take all necessary measures to ensure the physical and psychological integrity of land and environmental rights defenders.

462. The Special Rapporteur expresses severe concern for the killing of farmer and environmental human rights defender Mr. Payao Panroj, who had been campaigning against illegal encroachment into rainforest around Tako Mountain. On 8 May 2016 he was attacked by two unidentified men while working in his plantation, and received five gunshot wounds. Further serious concern is reiterated at the disappearance of land rights defender Mr. Den Kamlae, last seen on 16 April 2016. Mr. Kamlae is a leader amongst networks of local villagers defending their land, and opposing the Kohn San Forest Project, established by the state-owned Forest Industry Organisation. Reports of the alleged attempted assassination of Mr Supoj Kansoj, nephew-in-law of Mr. Chai Bunthonglek, another member of the Southern Peasants' Federation of Thailand (SPFT), who was assassinated on 11 February 2015, are a source of profound concern for the Special Rapporteur. Since its creation in 2008 the SPFT movement has been campaigning for community land rights in an ongoing dispute with the palm oil company Jiew Kang Jue Pattana Co. Ltd. Although at least four SPFT members have been killed since 2010, no one has reportedly been held accountable for any of these attacks. Further concern is expressed at the alleged threats and intimidations against members of the Network of Individuals Affected from Gold Mining, notably Ms. Chatchadaporn Lorsap, Ms. Chananchida

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[10] (A/71/281).

Limnonthakul, and Ms. Thanyarat Sunthornthamamatas. The women human rights defenders have been leading a campaign against the Aksara Resource (Chatree) Mining Co. Ltd. whose mine has reportedly emitted pollutants which have affected surrounding communities. The Special Rapporteur regrets that no response was received to the communication sent on 13 June 2016 regarding these grave allegations.

Timor-Leste

463. JAL 08/03/2016 Case no: *TLS 1/2016* State reply: none to date

Alleged attempt to prevent members of a human rights organization Asosiasaun Hukum, Hak Asasi dan Keadilan (the Law, Human Rights and Justice Association), from exercising their rights to freedom of peaceful assembly and freedom of expression.

464. The Special Rapporteur regrets that no response has been provided to the communication dated 8 March 2016 regarding the alleged intimidation of members of the human rights organisation Asosiasaun Hukum, Hak Asasi dan Keadilan - HAK (Law, Human Rights and Justice Association) and urges the Government to provide with details regarding the allegations contained in the letter and the measures undertaken for redressing them within a short time-period.

Viet Nam

465. JUA 06/01/2016 Case no: *VNM 3/2015* State reply: none to date

Allegations of physical assault of four human rights defenders, Mr. Nguyen Van Dai, Mr. Vu Van Minh, Mr. Ly Quang Son and Mr. Le Manh Thang, and arrest and detention of Mr. Nguyen.

466. JUA 20/04/2016 Case no: *VNM 1/2016* State reply: none to date

Allegations of continued harassment, threats and attacks against a human rights defender, Mr. Tran Minh Nhat.

467. JUA 27/05/2016 Case no: *VNM 3/2016* State reply: none to date

Alleged arbitrary detention of a Lutheran pastor Nguyen Cong Chinh and harassment and torture of his wife, Mrs. Tran Thi Hong, in Gia Lai province, Vietnam.

468. JUA 27/05/2016 Case no: *VNM 4/2016* State reply: none to date

Allegations of persecution, ill-treatment and forced transfer of a Vietnamese national, Mr. Tran Huynh Duy Thuc, who is currently serving a 16-year prison sentence for "attempting to overthrow the People's administration".

469. JAL 10/08/2016 Case no: VNM 5/2016 State reply: none to date

Allegations of excessive use of force against, and arbitrary detention of, peaceful demonstrators, including children

470. JUA 16/08/2016 Case no: VNM 6/2016 State reply: none to date

Allegations concerning arbitrary arrest and detention of land rights defender, Ms. Can Thi Theu, for the legitimate exercise of her rights to freedom of expression and freedom of peaceful assembly

471. JAL 04/10/2016 Case no: VNM 7/2016 State reply: none to date

Allegations concerning the arrest, detention and sentencing of environmental human rights defender, Ms. Can Thi Theu, which are believed to be directly linked to her human rights work in defence of land rights in Vietnam.

472. AL 30/11/2016 Case no: VNM 9/2016 State reply: none to date

Allegations of attempted intrusion into a human rights defenders conference, Defenders' Days, by officials from the Embassy of Viet Nam in Stockholm.

473. The Special Rapporteur regrets that no response has been received to any of the communications sent during the present reporting period, despite the grave nature of the allegations included therein. He urges the Government to engage with his mandate and provide responses to the communications sent.

474. The Special Rapporteur is deeply concerned by a series of alarming trends detected in the situation of human rights defenders in Vietnam. He notes that the communications sent during this reporting period highlight a persistent pattern of physical assaults and intimidations which are perpetrated either by police officers or unidentified individuals against human rights defenders, religious minorities, or those with dissenting voices, including government critics and social activists.

475. The Special Rapporteur reiterates his concerns that intimidations, physical assault and attacks on human rights defenders and their families appear to be increasingly used in the country as a means of intimidating human rights defenders, in order to discourage them from exercising their rights to freedoms of expression and peaceful assembly and effectively hinder their human rights activities. The Special Rapporteur is deeply concerned by the physical and psychological security of human rights defender and former political prisoner Mr. Tran Minh Nhat following reports of ongoing harassment, threats and attacks against the defender and his family by local authorities and individuals, allegedly in retaliation for his legitimate human rights work for the promotion and protection of economic, social and cultural rights. Mr. Nhat has been allegedly physically attacked by police in custody, and in public, while his agricultural property and that of his family has been cut down, uprooted, damaged, chemically poisoned and set on fire by various individuals. The Special Rapporteur is alarmed by further reports that masked men have thrown stones at Mr. Nhat's home on several occasions, that his house has been sprayed with pesticides, and that his family has received threats of physical violence and arson of their homes. Of further concern are accounts that his house has been broken into, his property destroyed, and that his movements are being monitored by unidentified persons. Concern is expressed that local authorities may have taken part in this harassment and have not taken adequate steps to prevent it, despite complaints lodged by Mr. Nhat.

476. The Special Rapporteur reiterates his serious concerns regarding the alleged physical assault of human rights defenders Mr. Nguyen Van Dai, Mr. Vu Van Minh, Mr. Ly Quang Son and Mr. Le Manh Thang by plainclothes police officers following a human rights workshop organised by the defenders. He is particularly troubled by the prolonged detention of human rights lawyer, and founder of the Committee for Human Rights in Vietnam, Mr. Nguyen. He was arrested on the morning of 16 December 2015, on the charge of "conducting propaganda against the Socialist Republic of Viet Nam", under article 88 of the Penal Code just before his scheduled meeting with EU representatives in connection with the annual human rights dialogue. Mr. Nguyen was informed that he would be held in pre-trial detention for a period of four months. According to information received since the sending of the communication on this matter, Mr. Nguyen is still in detention. The Special Rapporteur voices his concern that the arrest and detention of Mr. Nguyen appear to be in retaliation for his legitimate human rights activities and cooperation with representatives of the European Union in the context of the annual EU-Vietnam human rights dialogue. In a separate case, the Special Rapporteur expresses deep concerns regarding the alleged arbitrary imprisonment and repeated torture of Pastor Nguyen Cong Chinh, the torture and harassment of his wife Mrs. Tran Thi Hong, as well as the acts of

intimidation against their children. Both Pastor Chinh and Mrs. Hong are members of the Lutheran American-Vietnamese Protestant Church in Gia Lai province. These acts are allegedly in retaliation for the peaceful exercise of their religious freedom and freedom of association, as well as their cooperation with U.S. diplomats in order to denounce their situation and promote freedom of religion in Vietnam.

477. The mandate-holder also wishes to reiterate his concerns about the physical and psychological integrity of Mr. Tran Huynh Duy Thuc who is currently serving a 16 year prison sentence for "attempting to overthrow the People's administration", and has been sending complaints to various authorities in order to demand basic human rights for prisoners. Allegations of persecution, ill-treatment and forced transfer in retaliation for his activities to promote detainees' rights are of serious concern for the Special Rapporteur. He appeals to the Government to ensure that the treatment of all human rights defenders and detainees corresponds with international norms and standards, including with the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) as revised in 2015 by the United Nations General Assembly resolution 70/175.

478. The Special Rapporteur wishes to reaffirm that it is the duty of the State to respect the right of everyone to promote and protect a safe, clean, healthy and sustainable environment[11]. Moreover, he wishes to bring the attention of the Government to Article 5 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which stipulates that for "the purpose of promoting and protecting human rights and fundamental freedom, everyone has the rights, individually and in association with other, at the national and international levels: to meet or assemble peacefully[12]." To this end, the Special Rapporteur reiterates his serious concerns regarding allegations of excessive use of force against, and arbitrary arrest and detention of, peaceful demonstrators including human rights defenders, environmentalists, and ordinary citizens including children. Peaceful protests were organised on 1, 8 and 15 May 2016, as well as on 15 June 2016, in various cities around the country demanding more transparency on the investigation of the causes of thousands of tons of dead fish which washed ashore a 200km coastline in central Viet Nam since early April 2016. At each of these demonstrations, in which children participated, demonstrators were allegedly arrested, temporarily detained and beaten by law enforcement officials. The Special Rapporteur is perturbed by allegations that children, including infants were also allegedly beaten and detained.

479. Concerns are expressed at the alleged arbitrary arrest, detention and sentencing of environmental human rights defender, Ms. Can Thi Theu, which are believed to be directly linked to her legitimate human rights activities in the defence of land rights in Vietnam. On 20 September 2016, Ms. Theu was sentenced to 20 months imprisonment on charges of "causing public disorder" reportedly in connection with her participation in peaceful protests calling for the release of a detained human rights lawyer. Additional concern is expressed in relation to the twelve days during which Ms. Theu remained in detention without access to a lawyer, severely hindering the guarantees of due process in a particularly important stage of the criminal procedure. Further concern is expressed at Ms. Theu's deteriorating health condition in detention, and the alleged denial of access to medical treatment and family.

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[11] (A/71/281)

[12] (A/RES/53/144)

EUROPE AND CENTRAL ASIA REGION

480. During the present reporting period the Special Rapporteur sent 32 communications to 17 countries in the Europe and Central Asia region. He takes note of the response rate of 81% for the region. The Special Rapporteur commends the high response rate to the communications sent during this reporting period and looks forward to the responses to the outstanding communications.

481. Although the region is diverse in terms of the human rights situation, a number of countries continued to share the threat of terrorist attacks, to which some States reacted by taking legislative or policy measures that have raised human rights concerns, including the state of emergency. In certain countries, state of emergency has been extended, restricting peaceful assemblies, temporarily banning media outlets amongst other measures. In the context of curfews, journalists and lawyers have seen obstacles in their work to monitor security operations and potential abuses.

482. The Special Rapporteur is concerned about increased delegitimization of civil society in the region, which is often spearheaded or tacitly supported by senior public officials. Smear campaigns portrayed defenders as 'unpatriotic', 'foreign agents' or 'fifth column', distracting public attention from their valuable work. This demonizing propaganda seemed to be aimed at undermining the reputation of human rights defenders in order to legitimize their activities.

483. Communications sent to the region have raised concerns about the adoption and implementation of restrictive legislation. In recent years, non-governmental organisations in a number of countries in the region are operating under very restrictive legislation and face restrictions in connection to receiving foreign funding, to the extent that many could not continue their legitimate human rights activities. The Special Rapporteur is concerned that several years after the adoption of a 'foreign agent law', similar legislation including laws restricting access to foreign funds, are touted in other countries of the region. He is also disappointed to see the increase of various investigations carried out into independent civil society organizations, which are aimed at intimidating, punishing or obstructing those organizations. At the same time, one can detect the emergence of organisations that are sponsored and supported by governments, which may have an effect of stamping out independent civil society.

484. The Special Rapporteur further observes the regional trend of the growing role of non-State actors in intimidating human rights defenders and obstructing their work. There are increased reports of attacks by far-right and extremist groups against 'liberal' civil society, which appear to be either overlooked by authorities or tacitly approved by them. The Special Rapporteur underlines the heightened risks faced by whistle-blowers, anti-corruption activists, human rights lawyers and defenders who protect environmental rights, and the rights of minorities and migrants. Those groups are exposed to threats of stigma, criminal defamation, attacks by extremist groups and judicial harassment. In addition, there is a noticeable increase in the restriction of movement of human rights defenders, including through the imposition of travel bans.

Azerbaijan

485. PR 9.9.2016

Azerbaijan: UN expert's visit to assess the situation of human rights defenders.

486. PR 22/09/2016

UN human rights expert calls on Azerbaijan to rethink punitive approach to civil society.

487.. The Special Rapporteur visited Azerbaijan from 14 to 22 September 2016 on an official mission to assess the situation of human rights defenders in the country and wishes to thank the Government for the invitation and their cooperation. In a statement he made upon the end of the mission, the Special Rapporteur notes that Azerbaijan has continued to face challenges in ensuring an enabling environment for human rights defenders. The Special Rapporteur expressed his concerns at the pressure put against civil society in the country, and, in particular, against human rights lawyers and journalists, who have been consistently targeted in recent years.

488. Independent media have been subjected to withdrawal of licenses, termination of broadcast or closures, while journalists continue to be harassed, banned from travelling abroad, and their bank accounts being frozen. It was further noted that there are increased reports of retaliation for views expressed on the Internet, including criminal charges related to critical opinions. The Special Rapporteur regrets that on 29 November 2016, following his visit to Azerbaijan, the Parliament approved amendments to articles 148 and 323 of the Criminal Code, which might restrict freedom of expression online and have a negative impact on the legitimate work of journalists and bloggers.

489. The Special Rapporteur further expressed his concerns at the impediments to the right to freedom of association, caused by the 2013-2015 legislative amendments to laws regulating civil society operations, as these amendments significantly interfere with the work of human rights organizations in the country. Without the necessary registration, the organisations cannot open a bank account, obtain a legal entity status or receive foreign funding, which are important activities that enable them to carry out their work. Access to funding has been severely limited as a result of the latest legislative amendments, as both donor organizations and donor recipients are required to obtain approval from State authorities before the funded activity can be implemented. The Special Rapporteur wishes to remind the Government that funding restrictions that impede the ability of human rights defenders and civil society organisations to pursue their activities constitute an interference with article 22 of the ICCPR.

490. The Special Rapporteur expresses his concern at the situation of human rights lawyers, who have increasingly faced challenges through a number of means, including criminal prosecutions, disciplinary action, and smear campaigns in an attempt to discredit their work, relegating them to political opposition, or traitors. He urges the Government to refrain from exposing human rights lawyers to criminal and administrative measures and to ensure that they are not subjected to stigmatization.

491. Considering the recent Concluding Observations of the Human Rights Committee on the fourth UPR report of Azerbaijan, the Special Rapporteur is very concerned about the reports of physical attacks, politically motivated criminal charges and other adverse repercussions, such as disbarment, against lawyers who make critical statements about State policies and State officials and against lawyers representing victims of torture, human rights defenders, activists and journalists. Particular concern is expressed at the reports of torture and ill-treatment, including of journalists, human rights defenders and youth activists that have allegedly led to death in several cases.

492. The Special Rapporteur urges the Government to ensure that human rights defenders can carry out their work in a conducive legal and administrative framework, taking into account recommendations by international and regional human rights mechanisms.

Belarus

493. JUA 25/08/2016 Case no: BLR 1/2016 State reply: 21/09/2016

Allegations concerning possible immediate extradition of Mr. Chary Annamuradov, from Belarus to Turkmenistan, where he risks being subjected to ill-

treatment and torture as a result of the exercise of his right to freedom of expression through his previous work as a journalist.

494. The Special Rapporteur acknowledges the response of the Government of Belarus to the communication sent on 25 August 2016.

495. The Special Rapporteur welcomes the decision of the General Prosecutor's Office of Belarus to refuse the extradition of Mr. Chary Annamuradov, who was arrested and temporarily detained upon his arrival in Belarus on 18 July 2016. He further welcomes his subsequent release and withdrawal of the search warrant against the human rights defender, which enabled him to return to his country of residence. However, the Special Rapporteur remains concerned at the initial detention of Mr. Chary Annamuradov, which appeared to be in connection to his previous work as a journalist in Turkmenistan. Serious concerns are expressed at the allegations that the human rights defender was temporarily held in incommunicado detention in violation of Belarus' international human rights obligations under the ICCPR and the Convention Against Torture.

496. The Special Rapporteur wishes to remind the Government of Belarus of the recommendations which it accepted and noted during the UPR exercise in 2015[13], including to ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression and assembly in conformity with Belarus' obligations and to intensify its efforts to investigate, identify and, if applicable, punish alleged perpetrators of the harassment, arbitrary detention and torture of opponents of the Government, including human rights defenders and journalists.

Bulgaria

497. JAL 03/11/2016 Case no: BGR 2/2016 State reply: none to date

Allegations concerning physical attack against human rights defender, Mr. Krassimir Kanev, which is believed to be connected to his legitimate work in defence of human rights in Bulgaria, especially on behalf of individuals and groups who are in vulnerable situations.

498. The Special Rapporteur urges the Government of Bulgaria to reply to the communication letter concerning the worrying and regrettable physical attack against Mr. K. Kanev, a prominent human rights defender and the Chairman of the Bulgarian Helsinki Committee. Mr. Kanev is known for advocating on behalf of groups in vulnerable situations in Bulgaria, in particular ethnic and religious minorities, refugees and members of LGBTI community.

Estonia

499. JAL 27/05/2016 Case no: *EST 1/2016* State reply: 21/07/2016 (A), 02/08/2016

Alleged stigmatisation of a human rights defender advocating for the rights of linguistic minorities. According to the information received, on 12 April 2016, the Estonian Internal Security Service published its 2015 annual review, in which it mentioned Ms. Alisa Blintsova in the context of posing threat to the constitutional order of the Estonian state.

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[13] A/HRC/30/3

500. The Special Rapporteur acknowledges the response of the Government of Estonia to the communication sent on 27 May 2016.

501. The Special Rapporteur remains concerned at the alleged stigmatizing portrayal of woman human rights defender Ms. Blintsova in the official report of the Estonian Internal Security Service. The report mentioned the human rights defender twice in the context of threats against the Estonian State and public order. In the first instance the report referred to an interview the human rights defender gave to the news programme "Vesti" of the Russian television station Rossiya (7 June 2015), and in another instance to Ms. Blintsova's membership of the Russian School in Estonia and her comments on EU refugee policy in the Russian television channel NTV on 26 July 2015. The information in the report was accompanied by a picture of Ms. Blintsova and presented her activities as an example of a foreign state's influence operations conducted through government controlled media channels.

502. In its reply of 2 August 2016, the Government explained that referral to Ms. Blintsova's activities is justified by the fact that they constitute an example of a foreign state using the European migration crisis with an aim to instigate ethnic tensions in Estonia as well as to provoke confrontation between the members of the EU and NATO by distributing false and incorrect information. However, it should be noted that disclosing Ms. Blintsova's identity and publicising of her photographs does not appear to be necessary for understanding of the concerns expressed in the reports. Furthermore, referral to individuals in such reports might not only have a stigmatizing effect for the mentioned person and expose her to risks, but have a negative impact on the image of human rights defenders in Estonia generally.

503. The Special Rapporteur welcomes the fact that Estonia has supported a recommendation in the second cycle of the UPR to accelerate the creation of a completely independent and sufficiently funded body with the capacity to defend human rights in Estonia, such as a national human rights institution.[14]

France

504. JAL 28/12/2015 Case no: *FRA 7/2015* State reply: *26/02/2016*

Préoccupations exprimées au sujet de l'application de la loi n° 2015-1556 du 30 novembre 2015 relative aux mesures de surveillance des communications électroniques internationales et de la loi n°2015-1501 du 20 novembre 2015 prorogeant l'application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence et renforçant l'efficacité de ses dispositions, au regard des obligations internationales de la France en matière de droits de l'homme.

505. PR 19/01/2016

Experts de l'ONU appellent la France à protéger les libertés fondamentales dans la lutte contre le terrorisme

506. Le Rapporteur spécial remercie le Gouvernement français pour sa réponse détaillée et substantielle fournie à sa lettre du 28 décembre 2015 et reconnait les circonstances exceptionnelles ayant conduit à la mise en place et à la prolongation de l'état d'urgence et à l'adoption de la loi n° 2015-1556 du 30 novembre 2015 relative aux mesures de surveillance des communications électroniques internationales et la loi n°2015-1501 du 20 novembre 2015 prorogeant l'application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence et renforçant l'efficacité de ses dispositions. Il prend également note des

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[14] A/HRC/32/7.

garanties mises en place pour éviter une application abusive des lois en question. Néanmoins, le Rapporteur spécial continue d'être préoccupé par les effets de l'application de ces lois car certaines dispositions pourraient, malgré les garanties mises en place, imposer des restrictions excessives et disproportionnées à l'exercice légitime du droit à la liberté d'expression, du droit à la vie privée, du droit à la liberté de réunion pacifique et la liberté d'association. De manière générale, le Rapporteur spécial reste préoccupé par la formulation extrêmement vague et la manque de précision d'un nombre de dispositions clés contenues dans ces lois.

507. Le Rapporteur spécial aimerait rappeler au Gouvernement que toute mesure visant à lutter contre le terrorisme et à préserver la sécurité nationale doit être conforme aux obligations de l'État au titre du droit international. Les mesures doivent répondre aux critères de nécessité et de proportionnalité et ne doivent pas entraver les activités et la sécurité des individus, des groupes et des organes de la société qui œuvrent à la promotion et à la défense des droits de l'homme.

508. Le Rapporteur regrette que les explications fournies par le Gouvernement concernant les différentes techniques de surveillance qui peuvent, ou ne peuvent pas, être utilisées et les conditions sous lesquelles ces informations peuvent être partagées et avec qui, soient formulées d'une manière assez vague. Il souhaite rappeler qu'en plus de devoir satisfaire les principes de nécessité et de proportionnalité, les restrictions au droit à la liberté d'expression et au droit à la vie privée doivent être expressément fixées par la loi avec suffisamment de clarté et de précision quant à la nature et à la portée des restrictions et leurs conséquences.

509. Le Rapporteur spécial reste préoccupé par le fait que la loi puisse établir des différents niveaux de protection, selon le lieu où se trouvent les personnes sujettes aux mesures de surveillance (par exemple différentes périodes de conservation des contenus et données). Il est extrêmement important pour la loi de formuler des règles et des procédures qui respectent et protègent de la même manière les droits de toutes les personnes indépendamment de leur nationalité ou du lieu où elles se situent.

510. Le Rapporteur spécial reste préoccupé par les dispositions permettant la dissolution d'organisations ou d'associations, sans procédure de contrôle judiciaire, la formulation extrêmement floue des associations visées et le fait que ces dispositions peuvent permettre d'imputer à une association le comportement passé de quelques-uns de ses membres, ainsi que par le fait que ces mesures de dissolution d'associations ou de groupements, adoptées dans le cadre de l'application de l'état d'urgence, ne prennent pas fin une fois que ce dernier ne soit plus appliqué.

511. Le Rapporteur spécial prend note qu'à la date de l'envoi de la réponse par le Gouvernement français, l'État n'avait jamais fait usage des dispositions dérogatoires permettant la dissolution d'organisations ou d'associations et d'interruption de services de communications au public en ligne et des sites internet. Cependant, ce fait ne peut enlever en aucun cas les préoccupations qu'il a exprimées à propos de ces dispositions.

512. Le Rapporteur spécial se montre particulièrement alarmé par les allégations selon lesquelles des militants écologistes ont pu faire l'objet de perquisitions et d'assignations à résidence, en application des mesures relatives à l'état d'urgence, pour prévenir des manifestations pacifiques liées à la Conférence COP 21 ou d'autres rassemblements. Il souligne que toute restriction au droit à la liberté d'expression et au droit à la liberté de réunion pacifique et la liberté d'association doit se conformer aux dispositions des articles 19, 21 et 22 du PIDCP, et doit être appliquée exclusivement aux fins pour laquelle elle a été prescrite et être en rapport direct avec l'objectif spécifique qui l'inspire.

513. Concernant les procédures de perquisition, la loi n° 2015-1501 indique que celles-ci peuvent avoir lieu « lorsqu'il existe des raisons sérieuses de penser que ce lieu est fréquenté par une personne dont le comportement constitue une menace pour la sécurité et l'ordre

publics ». Le Rapporteur spécial est inquiet par la formulation trop vague de ces dispositions. D'autre part, les perquisitions concernant les équipements informatiques, y compris les supports de stockage présents sur les lieux ou accessibles, permettraient des perquisitions sur d'autres ordinateurs en réseaux, ce qui peut amener à la perquisition de très nombreux systèmes de stockage et équipements, de la vie sociale et activité numérique de la personne, en fonction de ce qui sera accessible depuis les équipements initiaux.

514. Le Rapporteur spécial exprime également son inquiétude concernant les dispositions permettant l'interruption de services de communication au public en ligne et des sites internet. Les experts indépendants des Nations Unies avaient déjà exprimé leurs inquiétudes quant à ces dispositions dans une communication conjointe envoyée par plusieurs procédures spéciales des Nations Unies. Le Rapporteur spécial réitère ces inquiétudes, notamment en ce qui concerne l'absence de contrôle judiciaire sur les procédures de blocage des sites internet et sur le fait que les recommandations de l'autorité administrative n'aient pas de caractère juridiquement contraignant.

515. Par ailleurs, le Rapporteur spécial exprime son inquiétude concernant plusieurs dispositions autorisant le Gouvernement à recourir à des techniques de renseignement et de surveillance des communications internationales visant la défense et la promotion d'intérêts fondamentaux de l'État : des dispositions définies de manière vague : notamment la collecte de communications internationales est autorisée dans un ensemble de circonstances extrêmement vastes ; ou l'application de délais prolongés de conservation de ces données, sans fournir les garanties nécessaires d'une autorisation et d'un contrôle judiciaire indépendant préalables. Ces mesures peuvent restreindre l'exercice légitime du droit à la liberté d'expression, et du droit à la vie privée et contrevenir en particulier aux principes fondamentaux de nécessité et de proportionnalité.

Germany

516. JOL 10/08/2016 Case no. DEU 2/2016 State reply: 21/10/2016

Allegations concerning the draft law "Gesetz zur Ausland-Ausland-Fernmeldeaufklärung des Bundesnachrichtendienstes" which amends Germany's existing regulations on the surveillance of communications between non-German citizens.

517. The Special Rapporteur acknowledges the response of the Government of Germany to the communication sent on 21 October 2016.

518. The Special Rapporteur regrets that despite the expressed criticism the draft law was approved by the German Bundestag on 21 October 2016 and by the German Federal Council on 4 November 2016. The law permits the Federal Intelligence Service (BND) to undertake bulk surveillance of non-German citizens and institutions, as well as to collect and process, within Germany, the communications and associated data of non-German citizens without specifying an individual target or associated personal identifier.

519. According to the law, such collection is permitted even if the communication has taken place outside Germany, in case one of the following conditions regarding the collected information are met. The information must be required: 1) to recognize and neutralize threats to Germany's internal and external security; 2) to protect the capacity of Germany to act; or 3) to obtain significant findings concerning foreign and security policy issues, which appear to be formulated in a vague and overbroad manner. The nature and scope of these vaguely formulated terms can determined by the Federal Chancellery, the Federal Foreign Office, the Federal Ministry of the Interior, the Federal Ministry of Defence, the Federal Ministry for Economic Affairs and Energy, and the Federal Ministry for Economic Cooperation and Development. Furthermore, the law does not include any exemption or protection for the communications and personal data of non-German

journalists or lawyers. In particular, the communications of these journalists, including communications with their sources, are not protected. The communications between lawyers and their clients are also not protected, which raises concerns, as it might interfere with and have a negative impact on the activities of human rights defenders. Additional concern is expressed at the fact that the law does not provide an adequate safeguard for the right to freedom of expression.

920. The Special Rapporteur acknowledges the Government's response. However, he wishes to remind the Government that the measures undertaken to ensure security in the country should not interfere with fundamental rights and freedoms, such as freedom of expression and right to be protected, inter alia, against arbitrary or unlawful interference with their privacy and correspondence, guaranteed by the ICCPR. While surveillance measures and other restrictions on freedom of expression may be established to protect national security and public order, they must be "necessary" to protect such objectives, and not merely be useful or reasonable. Furthermore, the Government's argument that the law is aimed at putting 'in more clear terms the current legal framework' raises concerns as the conditions for the collection and processing of data are formulated in vague and broad terms. For example, there is no guidance on the nature, scope and degree of severity of the security threats or issues that would trigger the bulk or targeted collection activities authorized under the law. Therefore, it does not comply with the principle that restrictions must also be sufficiently clear, accessible and predictable[15].

921. The Special Rapporteur expresses concerns at the content of the law, which poses a threat to the exercise of the right to freedom of expression, and urges the Government to take measures to bring the legislation in compliance with international standards and norms.

Hungary

922. PR 04/02/2016

First mission to Hungary: UN expert to probe the situation of human rights defenders.

923. PR 16/02/2016

UN expert urges Hungary not to stigmatise and intimidate human rights defenders.

924. The Special Rapporteur visited Hungary from 8 to 16 February 2016 in an official mission to assess the situation of human rights defenders in the country.

925. In a statement he made upon the end of the mission, he noted that while overall human rights defenders have been able to effectively carry out their work in Hungary, they are exposed to serious challenges which, in some instances, appear to amount to violations of their fundamental rights and freedoms, as well as of their legitimate right to promote and defend human rights. The dialogue between civil society and decision-makers has been steadily shrinking and has been negatively influenced by reportedly hostile rhetoric from public officials. Human rights defenders who criticize the Government or raise human rights concerns are quickly intimidated and portrayed as "political" or "foreign agents". They face enormous pressure through public criticism, stigmatization in the media, unwarranted inspections and reduction of State funding.

926. The Special Rapporteur expressed his concerns at the weakening of the constitutional framework and rule of law caused by adoption of numerous legislative

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[15] General Comment to ICCPR 34 CCPR/C/GC/34.

amendments, which appear to constitute restrictions to basic rights and fundamental freedoms, such as freedom of expression and freedom of association and assembly. These amendments resulted in, inter alia, reduced accessibility to public interest information and frequent denials of requests for such information, criminalization of journalists, complicated procedures for registration of organizations and increase of supervision through such indirect means as investigations on funding.

527. The Special Rapporteur noted that specific groups of human rights defenders face increased risks due to their activities, in particular, those who work on LGBTI rights, rights of asylum-seekers, and whistle-blowers. They are often exposed to stigmatization, harassment, and threats, and need therefore special protection from all forms of retaliation for their legitimate work.

528. The Special Rapporteur urges the Government to ensure that human rights defenders can carry out their work in a conducive legal and administrative framework, taking into account recommendations by international and regional human rights mechanisms.

Kazakhstan

529. JUA 09/03/2016 Case no: *KAZ 1/2016* State reply: *20/05/2016*

Alleged arbitrary arrest, detention and sentencing of a human rights defender and blogger, Mr. Ermek Narymbaev.

530. JUA 09/05/2016 Case no: *KAZ 2/2016* State reply: *18/05/2016, 19/05/2016, 29/09/2017*[16]

Alleged arbitrary arrest, detention and criminal charges brought against protesters, human rights defenders and journalists for exercising their rights to freedom of peaceful assembly and of expression.

531. JAL 04/11/2016 Case no: KAZ 3/2016 State reply: 04/01/2017[17]

Allegations concerning arrest, detention and criminal proceedings against two human rights defenders Mr. Max Bokayev and Mr. Talgat Ayan, as well as refused access to adequate healthcare services for Max Bokayev.

532. PR *12/05/2016*

UN human rights experts urge Kazakhstan to halt clampdown on land reform protesters.

533. PR *06/12/2016*

"Kazakhstan should release rights defenders Bokayev and Ayan" – UN experts.

534. The Special Rapporteur thanks the Government of Kazakhstan for responses to all of the communications sent during the present reporting period.

535. The Special Rapporteur expresses concerns at the situation of human rights defenders in Kazakhstan, as they continue to face challenges in connection with their legitimate activities, in the form of judicial harassment, arrests, criminal proceedings and other distractions to their work. In this context, the Special Rapporteur would like to draw attention to the situation of human rights defender Mr. Ermek Narymbaev, who reportedly has been subjected to judicial harassment and sentencing. Following his trial based on accusations of incitement to national discord and insulting the honour and dignity of the

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[16] At the time of publishing no translation for this response was available.

[17] At the time of publishing no translation for this response was available.

Kazakh nation, under article 174 (1) of the Criminal Code, in relation to a post he made on Facebook, on 22 January 2016, Mr. Narymbaev was sentenced by the Almaty District Court to three years in prison with forfeiture of his right to engage in any public activities in the next five years. On 30 March 2016, the Appellate Collegium of the Court of Almaty, replaced the three years' imprisonment sentence with two and a half years of less restrictive forms of deprivation of liberty, out of prison. The Special Rapporteur welcomes the decision of the Appellate Collegium of the Court of Almaty, but reiterates his concerns at the sentencing of Mr. Narymbaev, which appears to be in retaliation for his peaceful and legitimate human rights work and exercise of his rights to freedom of expression on the Internet and freedom of association.

536. The Special Rapporteur acknowledges the argument of the Government in its reply dated 20 May 2016, that Mr. Narymbaev's Facebook post allegedly contained elements inciting national discord and insulting the honour and dignity of the Kazakh nation and is considered as an "act punishable under criminal law as a crime against the peace and security of humankind". The Special Rapporteur also acknowledges arguments provided by the Government in a letter dated 4 January 2017 regarding criminal proceedings against Mr. Max Bokayev and Mr. Talgat Ayan for charges including "spreading false information creating a risk of public disturbance including, inter alia, "elements inciting national discord and insulting the honour and dignity of the Kazakh nation" through Facebook and Whatsapp. In this respect the Special Rapporteur wishes to remind the Government that any restriction of freedom of expression should be compatible with criteria provided in the article 19 (3) of the ICCPR, ratified by Kazakhstan on 24 January 2006, and be, inter alia, proportionate. Given that the judicial proceeding and condemnation of human rights defenders for posting information on social media platforms might have a significant chilling effect on the exercise of freedom of expression online in Kazakhstan, the proportionality of their criminal charges should be questioned. The Special Rapporteur reiterates the important role played by human rights defenders in the promotion and defence of human rights and fundamental freedoms, often involving scrutiny and criticism of the actions of public authorities that are necessary in a pluralistic, democratic and open society.

537. The Special Rapporteur expresses further concern at the repressive reaction of the Government to several protests that took place across the country from 24 April to 1 May 2016. The protesters criticized the amendments to the Land Code, which governs the rental of agricultural land to foreigners, increasing the maximum rental period from 10 to 25 years and permitting transactions by auction. In response to these protests, approximately 90 individuals have been arrested, interrogated, detained and criminally charged for their activities and legitimate exercise of rights to freedom of assembly and association and freedom of expression.

538. On 26 April 2016, following the protests in Atyrau city, criminal cases were brought against eight protestors, human rights defenders, bloggers and journalists, including environmental rights defenders Mr. Max Bokayev and Mr. Talgat Ayan. Following their arrest and detention on 17 May 2016, Messrs. Max Bokayev and Talgat Ayan were sentenced to five years in prison with the prohibition to engage in social activities for three years as well as a fine on 28 November 2016. The Special Rapporteur expresses concern at the sentencing, which he fears is directly linked to their peaceful defence of land rights in Kazakhstan, and appears to be in violation of articles 19, 21 and 22 of the ICCPR. In the reply of 4 January 2017, the Government informed the Special Rapporteur that the conviction of the two environmental rights defenders was under appeal. The Special Rapporteur notes with regret that on 20 January 2017, the Atyrau Regional Court has reportedly upheld the decision to sentence Mr. Bokayev and Mr. Ayan to five years in prison.

Kyrgyzstan

539. JAL 22/12/2015 Case no: *KGZ 4/2015* State reply: 01/06/2016

Alleged ban imposed against human rights defender and director of the Bishkek office of Human Rights Watch, Ms. Mihra Rittmann, from entering Kyrgyzstan.

540. JAL 30/05/2016 Case no: *KGZ 1/2016* State reply: none to date

Alleged threats made to human rights lawyer, Mr. Sardorbek Abdukhalilov, in connection to his litigation and legal assistance focused on combating torture and arbitrary detention.

541. JUA 24/06/2016 Case no: KGZ 2/2016 State reply: none to date

Alleged forced evictions and demolition of 36 houses (approximately 152 individuals) belonging to the Uzbek ethnic minority, residing on Lenin Street in the city of Jalal-Abad without any alternative housing solution, as well as threats against human rights lawyers of Spravedlivost in retaliation for providing legal advice to the affected individuals.

542. The Special Rapporteur regrets that at the time of finalising this report, only one response has been received from the Government of Kyrgyzstan in relation to the three mentioned communications. He notes that the human rights defenders continue to face increasing harassment and pressure from the authorities in connection with their legitimate activities, and continue to work in a climate of insecurity. While some human rights defenders and organizations are subjected to harassment and stigmatization, others face detention and/or prosecution in connection to their legitimate work aimed at defending and promoting human rights.

543. The Special Rapporteur reiterates his concerns expressed in the previous report at the entry ban against woman human rights defender Ms. Mihra Rittman, director of the Bishkek office of Human Rights Watch and Central Asia researcher. She was denied a work permit without a written explanation for this decision and also banned from entering the country. Ms. Rittmann is still subject to the entry ban. The Special Rapporteur acknowledges the reply of the Government dated 3 June 2016 and the argument that the entry ban is based on the alleged violation of migration law by Ms. Rittman by "working unlawfully after the expiry of the documents permitting her to work". However, this situation was caused by the denial of a work permit for Ms. Rittmann without a written explanation, which appears to be in connection to her legitimate work in her capacity of the Director of the Bishkek office of Human Rights Watch. The Special Rapporteur urges the Government to grant a work permit for Ms. Rittmann or provide the legal ground for not renewing her permit. It should be further noted that Ms. Rittmann was not previously informed of this entry ban, and therefore was not given a chance to appeal the decision.

544. The Special Rapporteur expresses concerns at the situation regarding forced evictions and demolition of 36 houses without any alternative housing solution, and, in particular, at the threats against human rights lawyers of Spravedlivost in retaliation for providing legal advice to the affected individuals. Following the eviction in June 2016, Spravedlivost intended to lodge a complaint about the actions of the Municipality on behalf of one of the evicted residents. However, the Prosecutor of Jalal-Abad city reportedly refused to accept the submission. On 2 December 2016, the Interdistrict Court of Jalal-Abad region found the actions of the Municipality to be illegal and requested the authorities to return the land to the complainant. Reportedly, the organization has been stigmatized in the media for its activities on behalf of the affected individuals. The Special Rapporteur expresses concern at the intimidation and stigmatization of staff members of Spravedlivost, which appear to be in direct retaliation for their peaceful and legitimate human rights

activities and aimed to dissuade them from carrying out their work in the promotion and protection of economic, social and cultural rights.

545. The Special Rapporteur expresses equal concerns at the telephone threats made to human rights lawyer and member of Spravedlivost, Mr. Sardorbek Abdukhalilov on 26 January 2016, which he fears could be directly linked to his legitimate work as a human rights lawyer, and, in particular, a legal complaint he submitted to recognize and judicially establish that the detention conditions of the temporary detention facility (TDF) of Jalal-Abad city police department are discriminatory on the basis of gender and constitute inhuman or degrading treatment. The Special Rapporteur urges the Government of Kyrgyzstan to take all necessary measures to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or retaliation of any sort.

546. The Special Rapporteur would further like to draw attention to the situation of Mr. Azimjan Askarov. The human rights defender, who has been sentenced to life in prison in 2010, is currently kept in pre-trial detention centre of Bishkek (central SIZO) pending his re-trial at the Chui regional court. The re-trial was initiated following a decision of the UN Human Rights Committee dated 11 May 2016, which found that Mr. Askarov was arbitrarily detained, held in inhumane conditions, tortured, mistreated, and unable to get proper treatment for serious health conditions. The Committee called on the Government to release the human rights defender and to stop criminal proceedings against him.

547 The Special Rapporteur was informed that several procedural irregularities were observed during the ongoing re-trial, including Court's inability to ensure proper translation for participants and Mr. Askarov, and to provide secure environment to witnesses. In addition, during the hearings Mr. Askarov was placed in a massive cage in the court room, which caused inconvenience for communication with his lawyers. Furthermore, during the first and second court hearings he was carried to court room in fetters and handcuffs, which were taken off only after a motion of his lawyers. In these circumstances, the Special Rapporteur expresses his concerns at the continuous judicial harassment of Mr. Askarov, and wishes to remind the Government of its obligation to respect due process rights and guarantees in the conduct of criminal proceedings guaranteed by the international human rights law.

Netherlands

548. JAL 29/11/2016 Case no: NLD 3/2016 State reply: 29/01/2016

Allegations concerning death threats, intimidation and harassment against human rights lawyer, Ms. Nada Kiswanson.

549. The Special Rapporteur thanks the Government of Netherlands for the reply to his letter concerning death threats, intimidations and harassment against Ms. Nada Kiswanson, a human rights lawyer based in the Hague, the Netherlands, who works as a Senior Legal Advocacy Officer at Al-Haq, an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. The Special Rapporteur takes notes of reassurances provided by the Government that a criminal investigation has been initiated and appropriate security measures have been taken to protect the woman human rights defender. The Special Rapporteur requests the Government of Netherlands to keep him informed about the results of ongoing investigations when available

Republic of Moldova

550. JAL 07/12/2015 Case no: *MDA 5/2015* State reply: *21/01/2016*

Alleged stigmatization and criminal proceedings against civil society association Promo-LEX and its members.

551. The Special Rapporteur acknowledges the response of the Government of Moldova to the communication sent on 7 December 2015.

552. The Special Rapporteur acknowledges the efforts of the Government to ensure protection of human rights defenders in the Transnistrian region of the Republic of Moldova, given the situation in the region. However, he remains very concerned at the criminal proceedings against the human rights organization Promo-LEX and its members in the Transnistrian region, which are reportedly ongoing. Following several public statements by the Committee of State Security (KGB) of the Transnistrian region of the Republic of Moldova, accusing the association of destabilizing the region and undermining security in April and May 2015, Promo-LEX was informed by the Security Intelligence Service that its members who travel to the Transnistrian region risk arrest and detention by the KGB of the Transnistrian region of the Republic of Moldova. Given these circumstances, the association had to temporarily stop documenting and monitoring of human rights violations in the region. The Special Rapporteur expresses concern at the fact that implementation of the right to freedom of expression and assembly in conformity with Moldova's obligations under the ICCPR cannot be guaranteed in the Transnistrian region. Furthermore, he laments that in the recent years the efforts of the civil society in Moldova to improve the human rights situation in this region have been systematically hampered by the local authorities of the region. The Special Rapporteur calls the Government to take all necessary measures to ensure the security of human rights defenders operating in the Transnistrian region and their protection against retaliation, de facto or de jure prosecution, pressure or any other arbitrary action as a consequence of their legitimate work.

Russian Federation

553. JAL 25/02/2016 Case no: *RUS 2/2016* State reply: 23/05/2016

Alleged liquidation of human rights Agora NGO by the Supreme Court of the Republic of Tatarstan.

554. JAL 12/04/2016 Case no: *RUS 3/2016* State reply: *23/05/2016*

Allegations of repeated harassment and attacks on human rights organization Committee of Prevention of Torture and several human rights defenders and journalists.

555. JAL 14/04/2016 Case no: *RUS 4/2016* State reply: *31/05/2016*

Alleged forced eviction of human rights organization Civic Assistance Committee in violation of the rights to freedom of association and freedom of expression.

556. JAL 26/05/2016 Case no: *RUS 6/2016* State reply: none to date

Alleged unwarranted charges filed against and sentencing of human rights defender, Mr. Sergey Nikiforov.

557. JAL 11/08/2016 Case no: RUS 8/2016 State reply: 14/10/2016

Allegations concerning criminal persecution of women human rights defender Ms. Valentina Cherevatenko for "malicious evasion of duties" under the 'Foreign Agent' Law.

558. The Special Rapporteur thanks the Government for the responses received to four of the five communications sent during the present reporting period and requests the Government of the Russian Federation to reply also to the communication sent on 26 May 2016.

559. The Special Rapporteur expresses concern for the continuing insecurity produced by the environment in which human rights defenders are forced to operate in the Russian Federation, as well as for the continued persecution of defenders in the course of their activities, both by State and non-State actors, through their arbitrary arrest and detention.

560. Particular concern is expressed at the use of legislation to criminalise and/or obstruct the work of human rights defenders through the undue application of the Federal Law "On the foundations of social control in the Russian Federation", more widely known as 'Foreign Agent' Law, and the consequences of its implementation, given that in the last four years, over 100 NGOs have reportedly been included on the list of "foreign agents" in Russia, of which 27 have closed down. The Law has a highly detrimental impact on civil society and appears to be aimed at intimidating human rights defenders and organisations, particularly those with dissenting opinions, exercising their legitimate rights to freedom of association and freedom of expression in the country. The Special Rapporteur is concerned that the interpretation of vaguely defined concepts such as "engaging in political activities" or "staging political actions to influence public policy or opinion" are used to obstruct and stigmatize the legitimate work of human rights defenders and civil society organizations and have a serious damaging effect on these organizations. The Special Rapporteur urges the Government to listen to voices coming from the civil society in the Russian Federation as well as international actors, calling for significant improvements to be introduced to this highly contested legislation. He notes with regret that in January 2017 the General Prosecutor's office issued strong criticism of a draft legislative proposal prepared by the Presidential Council for Civil Society and Human Rights, which included notable suggestions to amend the Federal Law "On the foundations of social control in the Russian Federation."

561. The Special Rapporteur expresses concerns at the criminal liability charges brought against Ms. Valentina Cherevatenko in relation to the 'Foreign Agent' Law. The criminal proceedings against her constitute the first case of the criminal prosecution of a human rights defender for the alleged violation of the 'Foreign Agent' Law. Ms. Cherevatenko is the founder and chairperson of the Women of the Don Union and chair of the board of the Women of the Don Foundation for Civil Society Development working on peace-building, social and legal matters in the North Caucasus, Russian Federation. In June 2016, Ms. Cherevatenko was officially charged on the basis of failing to file an application to register the Women of the Don Foundation as a "foreign agent". If convicted, she will face up to two years' imprisonment. Further concern is expressed at the alleged intimidation and de-legitimization Ms. Cherevatenko and other women human rights defenders of the Women of the Don Union and Foundation have suffered as a result of the investigation, as well as designation of the two organizations as "foreign agents".

562. Another negative precedent was set by the liquidation of the NGO Agora as the first organization to be closed in relation to the 'Foreign Agent' Law. On 10 February 2016 the Supreme Court of the Republic of Tatarstan reportedly granted Ministry of Justice's request for the liquidation of Agora, following a series of investigations conducted in 2015 in relation to the work of this NGO. The Ministry of Justice accused Agora of, inter alia, conducting political actions with a view to "influencing public opinion" to believe that the Russian Federation authorities violate human rights, of publishing documents on the Internet that "foster critical attitude toward the government" without indicating that their author had been labelled a "foreign agent" organization, and of undertaking efforts to be excluded from the registry of "foreign agents". The Special Rapporteur acknowledges the reply of the Government to the communication, but reiterates his concerns about the negative consequences of the Agora's liquidation in relation to the 'Foreign Agent Law', as

this act establishes a negative precedent and is expected to have a detrimental impact on the environment in which human rights organizations operate in the country.

563. The Special Rapporteur remains concerned by the forced eviction of the Centre for Education and Integration of Refugee Children established by a human rights organization Civic Assistance Committee, which has assisted refugees and migrants in the Russian Federation since 1998. On 18 February 2016, five individuals, including a representative of the Department of Municipal Property, forcibly entered the building of the Centre, installed a new lock and alarm system in the office, preventing the Civic Assistance Committee's employees from accessing the office. The Special Rapporteur acknowledges the Government's reply with regard to the situation and its reasoning that the eviction was solely a result of cancellation of a rental agreement. However, the Special Rapporteur reiterates his concerns as the eviction appears to be in connection with the human rights activities of the organisation and, in particular, in line with the previous registration of the organisation as a 'foreign agent'.

564. The Special Rapporteur expresses concern for the reports of physical attacks at human rights defenders in Russia. Within this reporting period, the Special Rapporteur was informed about further attacks on the Joint Mobile Group (JMG), Committee for Prevention of Torture and its members. On 9 March 2016, members of the Committee for Prevention of Torture and JMG as well as several journalists accompanying them on a press tour to collect information about the situation of human rights in the Chechen Republic, to meet with victims of human rights violations and to conduct a series of interviews with local human rights defenders, were violently attacked while travelling by bus near the border of the Chechen Republic. The masked assailants beat them with bats, robbed them and set fire to the bus. All documents and personal belongings of the human rights defenders and journalists left inside the bus were destroyed in the fire. The human rights defenders and journalists sustained injuries and were brought to a hospital. On 16 March 2016, Mr. Igor Kalyapin, the president of the JMG, was informed by the manager of the hotel, where he was staying, that he had to leave the hotel, reportedly because of Mr. Kalyapin's criticism against the President of the Chechen Republic. As he was leaving the hotel, a group of approximately 15 masked men threw flour, eggs and a bright disinfectant at him. Mr. Kalyapin was reportedly kicked by the assailants several times. Mr. Kalyapin was about to attend a press conference in Grozny to discuss the above mentioned attack of 9 March 2016. The Special Rapporteur acknowledges the efforts of the Government to investigate the described incidents. However, given the consistency and severity of attacks against the members of the JMG and the Committee for Prevention of Torture, the Special Rapporteur urges the Government to take all possible measures to ensure their protection, and to bring about a safe and enabling environment for the continuance of their human rights work.

565. The Special Rapporteur expresses concerns at the situation of Evenki indigenous people's leader and environmental human rights defender Mr. Sergey Nikiforov, who remains in detention since 29 September 2015. As a head of the village council of Ivanovskoye he led a series of peaceful demonstrations in Ivanovskoye, in protest of the negative impacts on human rights and the environment resulting from the operations of a UK-based gold mining company called Petropavlovsk. The company was granted mining license for Evenki ancestral territories without any consultations with the affected Evenki community. After Mr. Nikiforov lodged two complaints against the company in 2013, he was subjected to house arrest until September 2015 and judicial proceedings. Despite the fact that the accusations were reportedly based on doubtful facts and contradicted the testimonies of witnesses, Mr. Nikiforov was sentenced to five years in prison and a fine of 16 million roubles ($246,600) for "bribery and fraud", which was reduced by the Court of Appeal to four years of imprisonment and a fine of 3 million roubles ($46,200). The Special Rapporteur regrets that the Government did not provide any explanation for his detention, which appears to be solely aimed at silencing the human right defender and preventing him from defending the legitimate rights of the Evenki indigenous community.

Sweden

566. AL 30/11/2016 Case no: SWE 2/2016 State reply: 10/01/2017

Allegations of attempted intrusion into a human rights defenders conference, Defenders' Days, by officials from the Embassy of Viet Nam in Stockholm.

567. The Special Rapporteur thanks the Government of Sweden for providing him with information regarding the preliminary investigations carried out by Swedish authorities in relation to attempted intrusion into a human rights defenders conference, Defenders' Days on 5 April 2016, by officials from the Embassy of Viet Nam in Stockholm and takes note of information that no reports of criminal acts committed by diplomatic mission staff have been submitted to the Ministry for Foreign Affairs. The Special Rapporteur also takes note of reassurance by the Swedish Government that it intends to protect, support and promote a wide spectrum of human rights defenders who find themselves under threat.

Tajikistan

568. JAL 03/05/2016 Case no: *TJK 2/2016* State reply: *23/06/2016*

Allegations concerning provisions of the Law on Public Associations that unduly restrict the rights to freedom of association and expression in Tajikistan and are not in compliance with international human rights law and standards.

569. The Special Rapporteur acknowledges the response of the Government of Tajikistan to the communication dated 3 May 2016. However, he reiterates his concerns at the adopted amendments to the Law on Public Associations, under which public associations are required to report to the Ministry of Justice on the receipt of "foreign funding" prior to their usage of such.

570. The Special Rapporteur acknowledges the argument presented by the Government in its reply dated 23 June 2016, that access to funding is not guaranteed by the article 22 of the ICCPR, which regulates freedom of association. However, the Special Rapporteur would like to reaffirm that access to funding constitutes one of the activities that enable human rights defenders and organisations to carry out their work, and funding restrictions that impede their ability to pursue their activities do constitute an interference with article 22 of the ICCPR. The scope of protection of freedom of association has been clarified by numerous communications of the Human Rights Committee, including the communication No. 1274/2004, which provides that the right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its statutory activities. The Committee therefore stated that protection afforded by article 22 of the ICCPR extends to all activities of an association, including fundraising.

571. The Special Rapporteur further acknowledges the argument of the Government that the aim of the amendments was to ensure transparency of the financial activities of voluntary associations. Nevertheless he wishes to underline that these reporting obligations constitute an additional burden for all public associations, which were already required to report their funding to the Government Tax Committee under article 34 of the Law on the Monitoring of the Activities of Organisations. The Special Rapporteur expresses further concerns at the broader effect of these amendments, which may disproportionately affect the work of human rights defenders and their organisations and have a "chilling effect" on civil society in Tajikistan.

The former Yugoslav Republic of Macedonia

572. JUA 31/03/2016 Case no: *MKD 2/2016* State reply: none to date

Allegations of physical violence by law enforcement officials of the former Yugoslav Republic of Macedonia against migrants peacefully protesting and of collective expulsion of migrants in possible violation of the principle of non-refoulement.

573. The Special Rapporteur regrets that no response has been received to the communication sent on 31 March 2016, which concerned physical violence by law enforcement officials against migrants and asylum seekers peacefully protesting on the Greek side of the border, and their collective expulsion in possible violation of the principle of non-refoulement and lack of due process guarantees. Particular concerns are expressed at the overnight detention of human rights defenders and journalists following their participation in a march of migrants and asylum seekers from Idomeni, Greece, towards the Former Yugoslav Republic of Macedonia border on 14 March 2016. The Special Rapporteur regrets that these actions might have a deterrent effect on other activists and human rights defenders who advocate for the rights of migrants and asylum seekers and on the legitimate reporting on the situation of migrants and the right to access information on such matters.

Turkey

574. JUA 31/03/2016 Case no: TUR 3/2016 State reply: 17/05/2016

Alleged arrests, interrogations and termination of positions of Turkish scholars and members of the academic community in violation of their right to freedom of expression.

575. JUA 24/06/2016 Case no: TUR 4/2016 State reply: 04/08/2016

Allegations concerning arrest of Ms. Sebnem Korur Fincanci, Mr. Erol Önderoglu and Mr. Ahmet Nesin and the charges of terrorist propaganda brought against the legitimate exercise of their right to freedom of expression.

576. JUA 28/07/2016 Case no: TUR 6/2016 State reply: 22/08/2016 (A), 6/12/2016

Allegations concerning a series of repressive measures taken under state of emergency following the attempted coup on 14 July 2016, the arrest of human rights lawyer and journalist, Mr. Orhan Kemal Cengiz, and his wife, Ms. Sibel Semira Hurtas, a journalist writing on issues of women's rights and state crimes.

577. JUA 19/08/2016 Case no: TUR 7/2016 State reply: 22/08/2016 (A), 01/12/2016

Allegations concerning arbitrary and incommunicado detention of a high number of individuals and of widespread torture and ill-treatment during the state of emergency, as well as at the reported denial of fundamental due process guarantees, allegations of attacks and intimidation against healthcare personnel willing to provide detainees' with medical services, as well as against human rights defenders and civil society representatives.

578. PR *8/19/2016*

UN experts urge Turkey to adhere to its human rights obligations even in time of declared emergency.

579. The Special Rapporteur thanks the Government for its responses to all four communications. While taking into account the state of emergency declared on 20 July 2016, he reiterates his concerns about the security of human rights defenders, who continue to face severe risks on daily basis.

580. The Special Rapporteur expresses his concerns at the arrest, interrogations and termination of positions of numerous Turkish scholars and members of the academic community for having co-signed a public statement calling the Government to resume its peace process with the Kurdish region. Reportedly, 20 persons were detained and investigated by the Istanbul prosecutor's office under laws prohibiting "making propaganda for a terrorist organization" and the "denigration of the Turkish nation". In addition, three academics - Mr. Kivanc Ersoy, Mr. Muzaffer Kaya and Ms. Esra Mungan - have been arrested and detained on charges of terrorism support following a press conference held after their signing of the petition. The Special Rapporteur acknowledges the response of the Government and welcomes the decision to release the three professors, but reiterates his concerns at the ongoing criminal proceedings against them, as they appear to be in violation of rights to freedom of expression and seem to be aimed at silencing critical expression and the human rights activities of civil society.

581. The broad anti-terrorism operation of the Government since late July 2015 seems to have transformed into a massive crackdown against peaceful civil society actors, who are reportedly stigmatized as part of "terrorist networks". Turkey's overly broad definition of terrorism allows for arbitrary imposition of charges against human rights defenders and activists. Reportedly, numerous peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and advocating for a peaceful resolution of the Kurdish issue, have been targeted by the authorities. The Special Rapporteur expresses his concerns at the arrest of Ms. Sebnem Korur Fincanci, an academic and the Chairperson of Human Rights Foundation of Turkey as well as two journalists, Mr. Erol Önderoglu and Mr. Ahmet Nesin. They were charged with terrorist propaganda for a peaceful solidarity campaign for the pro-Kurdish journal Özgur Gündem. The solidarity campaign consisted of 44 journalists, writers and activists campaigning for media freedom by acting as symbolic co-editors of the publication. The Special Rapporteur welcomes the information that on 30 June 2016, the 13th High Criminal Court ordered the provisional release of Ms. Fincancı and Mr. Önderoğlu, while Mr. Ahmet Nesin was provisionally released on 1 July 2016 following a decision of the 14th Heavy Penal Court. He reiterates his concerns at the fact that they remain charged. The Special Rapporteur further regrets that the Government conflates expression in support of issues relating to the enjoyment of basic rights and freedoms by members of the Kurdish community with the spreading of terrorist propaganda. The use of national security and counter-terrorism as justifications to restrict the right to freedom of expression without meeting the strict threshold established by article 19(3) of the ICCPR represents a measure that is incompatible with Turkey's obligations under international human rights law.

582. The Special Rapporteur expresses serious concerns at a series of restrictive measures following the attempted *coup d'État* on 15 July 2016 and the imposition of the State of Emergency on 21 July 2016. Following the failed coup attempt more than 20,000 persons, including human rights defenders, have been detained in both official and unofficial detention facilities, while detainees in Ankara and Istanbul have allegedly been subjected to torture and other ill-treatment. In this context, the Special Rapporteur shares the serious concerns expressed by the UN Committee against Torture (CAT) in its Concluding Observations on Turkey in May 2016. The Committee expressed that it was "seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture" and "numerous reports received of arbitrary detention of journalists and human rights defenders on terrorism-related charges [...]". The CAT further urged Turkey to "refrain from detaining and prosecuting journalists and human rights

defenders as a means of intimidating them or discouraging them from freely reporting on human right issues" and "ensure an independent review of cases in which journalists and human rights defenders are presently on trial or appealing sentences handed down against them for membership in, engaging in propaganda for, or facilitating the activities of a terrorist organization [...]".The Special Rapporteur further shares concerns expressed by the Special Rapporteur on freedom of expression, Mr. David Kaye, following his visit to Turkey in November 2016. Given the escalation of the repressive measures against civil society, Mr. Kaye urged the Government to ensure that any restriction to freedom of expression during the state of emergency is strictly proportionate to the exigency of the situation.

583. In this light, the Special Rapporteur expresses his concern at the arrest of human rights lawyer, journalist, and former President of the Human Rights Agenda Association, Mr. Orhan Kemal Cengiz, and his wife, Ms. Sibel Semira Hurtas, a journalist writing on issues of women's rights and State crimes. On 21 July 2016, they were arrested at Istanbul's Ataturk International Airport on the allegation that they had links to the Fetullah Gülen movement and therefore had been involved in the attempted coup. Ms. Hurtas was released on the same day, but Mr. Cengiz remained detained in Istanbul Security Directorate until 24 July 2016, when he was provisionally released and a travel ban was issued against him pending the end of the investigation. The Special Rapporteur acknowledges the response of the Government dated 6 December 2016, but reiterates his concerns that the actions against Mr. Cengiz, and Ms. Hurtas, appear to have targeted their rights to freedom of expression and their human rights activities.

United Kingdom of Great Britain and Northern Ireland

584. JAL 22/12/2015 Case no: *GBR 4/2015* State reply: *17/02/2016 (A); 10/03/2016*

Allegations regarding a number of provisions contained in the draft of "Investigatory Powers Bill" which unduly interfere with the rights to privacy and freedom of opinion and expression, both within and outside the United Kingdom.

585. PR *11/01/2016*

UN experts urge review of surveillance bill threatening freedom of expression.

586. The Special Rapporteur acknowledges the receipt of the Government's reply to the communication sent on 22 December 2015.

587. The Special Rapporteur remains concerned at the draft of "Investigatory Powers Bill", which despite the expressed criticism has been approved by the United Kingdom House of Lords on 16 November and ratified by Royal Assent on 29 November 2016. The Special Rapporteur recalls that a number of provisions contained in this legislation unduly interfere with the rights to privacy and freedom of opinion and expression, both within and outside the United Kingdom. The bill contains provisions governing the authorisation of warrants to identify "journalistic sources", warrants for mass surveillance and notices for the retention of data by telecommunications operators. Concern is expressed about the specific provisions of the bill that provide for overly broad exceptions of the right to privacy and freedom of expression without independent oversight and lack sufficiently clear definitions.

588. The Special Rapporteur, in a joint statement dated 11 January 2016 with the UN Special Rapporteurs on freedom of expression and on freedom of peaceful assembly and association, highlighted that the lack of transparency could prevent individuals from knowing they are subject to surveillance. This Bill could ultimately stifle the exercise of

fundamental freedoms and exert a deterrent effect on the legitimate exercise of basic rights and the work of human rights defenders and the civil society in general.

589. Stressing the potential for human rights violations, the Special Rapporteur calls upon the Government to conduct a comprehensive review of the Investigatory Powers Bill to ensure its compliance with international human rights law and standards.

Uzbekistan

590. JAL 10/12/2015 Case no: *UZB 3/2015* State reply: *12/02/2016*

Allegations of arrest, beatings, judicial investigation and harassment against human rights defender Mr. Dmitry Tikhonov.

591. JUA 22/12/2015 Case no: *UZB 4/2015* State reply: *21/01/2016*

Alleged arbitrary arrest, incommunicado detention and charging of human rights defender and journalist Mr. Uktam Pardayev.

592. JUA 13/04/2016 Case no: *UZB 1/2016* State reply: none to date

Alleged arbitrary detention, torture or ill-treatment, and denial of necessary medical services to journalist and human rights activist Mr. Salijon Abdurahmanov.

593. JAL 11/11/2016 Case no: UZB 2/2016 State reply: 02/12/2016

Allegations concerning ill-treatment and harassment of two women human rights defenders, Ms. Elena Urlaeva and Ms. Malohat Eshonkulova, through arbitrary arrest and detention, beatings, death threats and confiscation of property by the police, which appear to be related to their legitimate human rights activities of monitoring incidents of forced labour in the cotton industry.

594. The Special Rapporteur acknowledges the receipt of Government's responses to three of four communications sent during the present reporting period. However, he wishes to remind the Government that, as of the finalization of this report, no reply has been received to the communications sent on 13 April 2016 and 11 November 2016.

595. The Special Rapporteur reiterates the concerns expressed in the previous report at the situation of numerous human rights activists, independent journalists and dissidents, who remain in prison on politically motivated charges, or in retaliation for their human right activities. Special attention should be drawn to the situation of human rights defender Mr. Azamjon Formonov. In 2015, following nine years in detention, he was tried without legal representation for allegedly violating detention facility rules, sentenced to another five years and 26 days, and remains in detention to date. The Special Rapporteur is extremely concerned for the physical and psychological integrity of Mr. Formonov along with other human rights defenders who are being denied the necessary medical services and reportedly being subjected to torture while in detention.

596. The Special Rapporteur expresses equal concerns at allegations of torture or ill-treatment, and denial of necessary medical services to journalist and human rights activist Mr. Salijon Abdurahmanov, who has been detained since 2008. He is reportedly being held under harsh prison conditions. His communication with the outside world is severely restricted and he faces refusal of access to medical services required for his health condition. Mr. Abdurahmanov is reportedly subject to detention regimes which could amount to torture or ill-treatment, for instance being forced to spend extended periods in solitary confinement in small and dark cells, being held in cells without proper ventilation and subject to extreme temperatures, which could have a devastating impact on his already deteriorated health conditions.

597. In this regard, the Special Rapporteur would like to draw attention to the concluding observations of the Human Rights Committee on the Uzbekistan's implementation of the ICCPR published in 2015. The Committee expressed its concerns about the alleged practice of arbitrarily extending prison sentences that are set to be completed by human rights defenders. The Committee expressed further concerns about numerous reports of abuses, including beatings by prison guards and other prisoners, poor conditions of detention, inadequate medical services and imposition of long and physically-demanding working hours, disproportionately affecting human rights defenders. The Special Rapporteur shares these concerns and wishes to remind the Government of its obligations under the ICCPR, which Uzbekistan ratified in 28 September 1995.

598. The Special Rapporteur expresses his concern regarding systematic harassment, physical attacks, arrests and temporary detention of human rights defenders, which appear to be an attempt to intimidate them and obstruct their work. In this context, the Special Rapporteur would like to draw attention to the arbitrary arrest, incommunicado detention and charging of human rights defender and journalist Mr. Uktam Pardayev. The Special Rapporteur thanks the Government for its substantive reply of 21 January 2016 and welcomes the release of the human rights defender under amnesty, following 1 month and 25 days in detention. However, he laments that Mr. Pardayev previously received a suspended sentence of 5 years and 6 months deprivation of liberty with three years of probation, as this sentence appears to be related to Mr. Pardayev's longstanding, peaceful human rights work and legitimate social activism. Following his release, Mr. Pardayev has reportedly been subjected to constant surveillance by law enforcement officials. The Special Rapporteur expresses his concerns at ongoing judicial harassment of Mr. Pardayev, as it appears to be aimed at silencing him and hampering his legitimate human rights activities.

599 The Special Rapporteur expresses his concerns at the constant persecution of human rights defenders working on the issue of forced labour in cotton fields. In October 2016, Ms. Elena Urlaeva and Ms. Malohat Eshonkulova, two women human rights defenders, who work in defence of human rights through monitoring, interviewing and photographing medical professionals and pupils coerced to work in cotton fields by the district authorities in the Bukhara region, were arrested and transported to the Olot District Department of Internal Affairs, where they were interrogated for about nine hours, subjected to strip searches and physical abuse, received threats of further persecution, while their cameras and phones were confiscated. The Special Rapporteur takes note of information provided by the Government regarding the circumstances of the arrest and detention of the two women human rights defenders and reiterates concerns regarding the fact that the actions taken against them appear to be in direct relation to their long standing activities in defence of labour rights. Particular concern is expressed regarding the ongoing targeting of Ms. Urlaeva, who has been the subject of five previous communications.

600. Equal concerns are expressed at the arrest, beatings, judicial investigation and harassment against human rights defender Mr. Dmitry Tikhonov, who has monitored human rights abuses in cotton industry in Uzbekistan. Upon his arrest on 20 September 2015, Mr. Tikhonov was held at the police station for five hours, been subjected to physical attack and threatened with further physical violence. In October 2015, Mr. Tikhonov was informed that an investigation had been opened against him under article 183 of the Administrative Code, for alleged disorderly conduct relating to his monitoring activities of the cotton picking. The Special Rapporteur reiterates his concerns about the situation of Mr. Tikhonov, as actions against him appear to be directly related to his monitoring activities of forced labour in the country and seem to be aimed at intimidating and silencing the human rights defender. The Special Rapporteur urges the Government to take all necessary measures to ensure the safety and security of human rights defenders in the country.

MIDDLE EAST AND NORTH AFRICA REGION

601. During the present reporting period the Special Rapporteur sent 57 communications to 16 countries in the Middle East and North Africa region. He takes note of the response rate of 44% for the region, which regretfully marks a decrease from 59% of last year's reporting period. The Special Rapporteur encourages the Governments in the region to fully cooperate and respond to the communications sent during this reporting period.

602. The Special Rapporteur notes with serious concern the number of communications (8) sent to the MENA region with regard to acts of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. This figure is the highest compared to all other regions. Besides the worrying statistics, the severity of the acts of reprisals is of concern. He wishes to remind States of the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms. Recalling Human Rights Council resolution 24/24, the Special Rapporteur urges all States to prevent and refrain from all acts of intimidation or reprisal, and calls upon them to review legislation, policies and practices that have the effect of undermining unhindered access to and communication with international bodies, and to avoid adopting any such new legislation.

603. Communications sent in the region depict a worrying trend, which points to the involvement of State agencies not only in shrinking civil society space, but also direct targeting of human rights defenders through arbitrary arrest and detention. Defenders commonly face restrictions on their freedom of movement because of travel bans, imposed to punish or prevent their human rights advocacy abroad. In countries which have suffered from civil strife and conflict, the physical integrity of human rights defenders is of heightened risk, as showcased by reports of extrajudicial killings and enforced disappearances. Furthermore, the Special Rapporteur reiterates his grave concern about reports of ill-treatment and torture of defenders who are in detention.

604. Defenders in the region continuously face judicial harassment by being summoned for interrogation, charged and convicted in legal proceedings, which often lack due process safeguards and are based on unsubstantiated charges aimed at intimidating the accused defenders. The Special Rapporteur is also concerned that human rights defenders are held in pre-charge and pre-trial detention for prolonged periods of time, often without access to legal representation.

605. The Special Rapporteur notes with preoccupation the trend of initiating protracted investigations against civil society organizations and their leaders, which obstruct not only the work of those organizations but curtail the exercise of fundamental freedoms by the affected individuals. Restrictions on foreign funding appeared to be one of the goals behind the increasing criminalization and legal oversight of civil society work. Stigmatisation and smear campaigns against human rights defenders have regrettably become common in the region.

606. Across the region, authorities apply laws and policies to prevent or restrict peaceful assemblies, while police forces tend to use excessive force against peaceful protesters. Freedom of expression online and offline is equally obstructed through the broad interpretation and application of anti-terrorism or 'cybercrime' laws. Defamation laws are frequently used against human rights defenders, journalists and bloggers if they expose corruption or criticize public officials. Other means to curtail free speech included banning newspapers, blocking websites, and imposing heavy fines on critical or watchdog media outlets. Blasphemy laws have also been employed to sanction civil society actors.

607. The Special Rapporteur underlines several groups of defenders who face heightened risks as a result of their human rights work; these include but are not limited to women human rights defenders, online and offline journalists, and human rights lawyers. In the case of women human rights defenders, violations frequently relate to their gender, have a sexualized character, and often include threats against their family members. In addition, women can be confronted with significant threats by non-State actors, including community leaders, religious leaders, and family members.

Algeria

608. JUA 22/12/2015 Case no: *DZA 3/2015* State reply: *22/03/2016*

Allégations relatives à la détention arbitraire et au harcèlement judiciaire du journaliste et défenseur des droits de l'homme, M. Hassan Bouras.

609. JUA 29/04/2016 Case no: *DZA 1/2016* State reply: *17/06/2016*

Allégations reçues relatives à l'arrestation et la détention arbitraire de huit personnes dont M. Abdelali Ghellam, M. Dehmane Kerami, M. Bel Mansoor Yaseen, M. Bel Mansoor Imad, M. Bin dahlan Mohamad et M. Bin beriek Abdelhamid.

610. JUA 02/09/2016 Case no: DZA 2/2016 State reply: none to date

Allégations concernant les arrestations et les poursuites pénales à l'encontre de M. Mohamed Tamalt, défenseur des droits de l'homme, journaliste et blogueur, ainsi que de M. Slimane Bouhafs, défenseur des droits de l'homme, pour des publications sur le réseau social Facebook.

611. JAL 01/11/2016 Case no: DZA 3/2016 State reply: none to date

Allégations d'arrestation et de détention arbitraires survenues à la suite d'un rassemblement pacifique des membres des familles de disparus, qui limiteraient de ce fait les droits à la liberté d'expression et à la liberté de réunion pacifique, ainsi que de l'usage excessif de la force dans le cadre de cette manifestation.

612. Le Rapporteur spécial remercie le Gouvernement pour les réponses reçues aux deux des quatre communications envoyées et demande au Gouvernement de fournir des réponses aux autres communications.

613. Le Rapporteur spécial exprime sa vive préoccupation quant à la situation des défenseurs des droits de l'homme et des journalistes en Algérie qui font face à un harcèlement judiciaire continu, mais aussi à des condamnations judiciaires et à l'emprisonnement.

614. Le Rapporteur spécial regrette profondément la mort du journaliste et défenseur des droits de l'homme Mr. Mohamed Tamalt, le 11 décembre 2016, après plus de trois mois de grève de la faim suivis d'un coma de trois mois. Le 27 juin 2016, M. Tamalt aurait été arrêté et placé sous mandat de dépôt. Il aurait été accusé « d'offence au président de la République et aux institutions publiques », en vertu des articles 144 bis et 146 du Code pénal. Le 11 juillet 2016, M. Tamalt aurait été condamné par le Tribunal de Sidi M'Hamed à deux ans de prison ferme pour « offense au Président de la République » et « outrage à corps constitué » pour ses publications sur Facebook. Il aurait également reçu une amende de 200,000 dinars (environ USD 1800). Le 9 août 2016, la chambre pénale de la Cour d'Alger a confirmé la sentence. Depuis le jour de son arrestation, le 27 juin 2016, M. Tamalt aurait mené une grève de la faim, pendant laquelle son état de santé se serait gravement détérioré.

615. Le Rapporteur spécial exprime également ses préoccupations concernant la condamnation à 3 ans de prison ferme par la Cour de Sétif, de M. S. Bouhafs, défenseur des

droits de l'homme algérien, accusé « d'atteinte au prophète Mahomet et à la religion musulmane ».

616. Le Rapporteur spécial a pris note de la réponse fournie par le Gouvernement algérien à sa lettre du 22 décembre 2015 concernant les circonstances entourant la détention de M. H. Bouras, journaliste et défenseur des droits de l'homme et les accusations portées contre lui. Le Rapporteur spécial se félicite du fait que M. Bouras ait été libéré de prison le 17 janvier 2017 après que sa peine ait été réduite à six mois de prison avec sursis. Il constate néanmoins avec regret que la condamnation de M. Bouras, comme les cas décrits ci-dessus, semble être étroitement liée à ses activités légitimes et pacifiques en faveur de la défense des droits de l'homme en Algérie et représente une criminalisation de l'exercice de son droit à la liberté d'opinion et d'expression. Il est particulièrement préoccupé par le fait que M. Bouras semble faire l'objet d'un harcèlement judiciaire continu visant à décourager son travail de journaliste indépendant et de défenseur des droits de l'homme.

617. Le Rapporteur spécial demeure préoccupé par l'effet négatif que ce harcèlement judicaire des journalistes et défenseurs de droits de l'homme pourrait produire sur la société civile en Algérie. Il rappelle au Gouvernement que la détention de journalistes et de défenseurs des droits de l'homme affaiblit la protection des droits de l'homme en Algérie. En faisant taire ces voix critiques, les autorités amoindrissent le débat public et privent les citoyens du pays de leur droit primordial à l'information. Le Rapporteur spécial prie instamment le Gouvernement de fournir un espace ouvert à la société civile et de respecter le droit fondamental à la liberté d'expression et d'opinion, même quand il s'agit d'une critique du Gouvernement ou des dirigeants politique du pays. Il fait appel aux autorités algériennes de s'abstenir de la pratique dangereuse de la criminalisation de la liberté de parole, sous toutes ses formes, y compris quand elle est exercée sur les plateformes de médias sociaux, car cette pratique impose des restrictions injustifiées à l'exercice légitime du droit à la liberté d'expression tel que défini par l'article 19 du PIDCP, ratifié par l'Algérie le 10 décembre 1968.

Bahrain

618. JUA 14/12/2015 Case no: *BHR 10/2015* State reply: *18/01/2016*

Allegations of arbitrary arrest, detention, charges and prosecution, and in some cases torture and ill-treatment, of ten individuals, including human rights defenders and one child, for the exercise of their right to freedom of expression.

619. JUA 17/03/2016 Case no: *BHR 1/2016* State reply: *11/04/2016*

Allegations concerning the arrest and detention of woman human rights defender Ms. Zainab al-Khawaja along with her 15-month-old son.

620. JUA 04/07/2016 Case no: BHR 3/2016 State reply: 22/07/2016; 15/08/2016

Allegations concerning arbitrary arrest, detention and charges brought against of Mr. Nabeel Rajab, as well as the raid of his residence and the confiscating of his personal electronic equipment.

621. JAL 07/07/2016 Case no: BHR 2/2016 State reply: 10/08/2016; 15/08/2016[18]; 20/10/2016

Allegations concerning measures undertaken against Al-Wefaq National Islamic Society, including the ordering of its dissolution and blocking of its website.

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[18] At the time of publishing no translation for this response was available.

622. JAL 08/07/2016 Case no: BHR 4/2016 State reply: 15/08/2016[19]; 09/09/2016

Allegations of a travel ban imposed on human rights defenders, Mr. Hussain Salam Ahmed Radhi, Ms. Ebtesam Abdulhusain Ali-Alsaegh, Mr. Ebrahim Al-Demistani and Mr. Abdulnabi Al-Ekry in an act of reprisal for their cooperation with the United Nations Human Rights Council.

623. JUA 10/08/2016 Case no: BHR 5/2016 State reply: 09/09/2016, 22/09/2016

Allegations concerning systematic persecution and repression of the Shias in Bahrain, including: dissolution of Al-Wefaq National Islamic Society, shutting down of faith based organizations, restriction on the practice of Khums, harassment of Shia clerics, restrictions on Friday Prayers and peaceful assembly, denaturalization of Ayatollah Sheikh Isa Qassim and other Shias, discriminatory treatment of Dr. Abduljalil Al-Singace in prison and the travel ban imposed on Sheikh Maytham Al-Salman.

624. JAL 25/11/2016 Case no: BHR 7/2016 State reply: none to date

Allegations of a travel ban imposed on human rights defenders, Mr. Mohammed Jawad, Ms. Nedal Al-Salman, Mr. Hussain Salam Ahmed Radhi, Mr. Mohammed Al-Tajer and Ms. Enas Oun in an act of reprisal for their cooperation with the United Nations, and their human rights work.

625. PR *18/03/2016*

UN expert calls on Bahrain to release woman rights defender and stop persecuting defenders.

626. PR *16/08/2016*

UN rights experts urge Bahrain to end the persecution of Shias.

627. The Special Rapporteur thanks the Government for the replies received to the majority of communications sent during the present reporting period.

628. The Special Rapporteur is deeply concerned about the clear deterioration of the human rights situation in Bahrain, since the present reporting period has unfortunately been marked by a series of regrettable developments, including the systematic persecution and repression of the Shias in Bahrain, the dissolution of Shia Al-Wefaq National Islamic Society, the arrest and detention of prominent human rights defender Mr. Nabeel Rajab, as well as a number of other allegations of arbitrary arrests, detention, charges and prosecution as well imposition of travel bans, reprisals and in some cases torture and ill-treatment faced by human rights defenders in the country. Particularly regrettable is the fact that some of these acts are directed against women human rights defenders.

629. Further concern is expressed for the situation of M. Sheikh Ahmed Ali Al-Salman, the Secretary General of the main opposition movement in Bahrain, "Al-Wefaq National Islamic Society". According to information received, Mr. Al Salman, who was sentenced to four years' imprisonment by the High Criminal Court on 16 June 2015, continues to be held in arbitrary detention as he awaits the hearing of his appeal against the sentence. The Special Rapporteur raises concerns over the due process guarantees afforded to Mr. Al Salman in the course of the proceedings against him, given the multitude of postponements of his appeal hearing on questionable grounds. Further concern is expressed regarding

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[19] At the time of publishing no translation for this response was available.

allegations that he is being detained for the exercise of his right to freedom of expression and opinion, and his leadership of Al-Wefaq.

630. The Special Rapporteur, jointly with other independent experts of the UN has expressed his concern regarding the intensified wave of arrests, detentions, summons, interrogations and criminal charges brought against numerous Shia religious clerics and singers, human rights defenders and peaceful dissidents which is having a chilling effect on the protection of fundamental human rights in Bahrain. A wide range of charges are brought against Shias, including 'illegal gathering', 'inciting hatred against the regime', 'money laundering' and 'acts of terrorism' in relation to their peaceful gatherings and religious congregations and peaceful expression of their beliefs, views and dissenting opinions, which the experts described as "groundless accusations used to hide a deliberate targeting of Shias in the country." The Special Rapporteur stated that "These charges should not be used as a pretext to restrict the freedom of expression, freedom of association and peaceful assembly and freedom of religion or belief."

631. The Special Rapporteur is generally concerned about a wide range of cyberspace regulatory measures which disproportionately violate freedom of expression in Bahrain. Reportedly, the measures utilized include the blocking of websites and other online content without the requirement of a court order and the revocation of the licences of internet service providers who refuse to comply with orders to remove content. Technology and social media account details have been confiscated and searched, including at checkpoints. Individuals, particularly those with dissenting opinions, have been further harassed and intimidated by internet trolling and mass-campaigns to close their accounts on social media. It is alleged that in order to track who is responsible for online posts, the impersonation of individuals to send malicious links; fake malicious spyware is used and the sale or use of unregistered pre-paid phones is prohibited. The Special Rapporteur is equally concerned about other measures that have allegedly been used to restrict the right to freedom of opinion and expression, including arbitrary arrests, detention, torture and prosecution to coerce the removal of material and encourage self-censorship. Such conduct has also been used to intimidate and punish individuals for online activity. It is also alleged that criminalisation and a broad interpretation of the law are also used to restrict the right to freedom of opinion and expression. The Press and Publications Law of 2002 criminalises the publication of information critical to Islam, its followers or the King, as well as for 'inciting the overthrow of the Government'. The Special Rapporteur urges the Government to review the compatibility of restrictive legislation, its interpretation and application with international human rights standards.

632. The Special Rapporteur welcomes the suspension of the sentence of prominent Bahraini women's rights and social media activist Ms. Zainab Al-Khawaja and her release from jail for "humanitarian reasons" by an order of 31 May 2016. She was arrested along with her 15-month old son on 14 March 2016, in connection to the charges she was facing for tearing a picture of Bahrain's King and 'insulting a public servant'. The Special Rapporteur however reiterates his concern about the fact that she was detained purely for her critical views against government authorities. It is highly alarming that a viewpoint which is considered to be insulting to a public figure could justify the imposition of penalties against human rights defenders. In this regard the Special Rapporteur remains extremely concerned about legal provisions, such as articles 214 and 216 of the Penal Code, that criminalize offending the King, Bahrain's flag or the national emblem, as well as the National Assembly or other State institutions. The broad scope of article 165 of the Bahraini Constitution is used to silence a wide range of critical speech, considered to be 'hostile' towards the Government. The Special Rapporteur wishes to remind the authorities of Bahrain that the continued use of repressive legislation that constitutes restrictions to the right to freedom of expression are incompatible with international human rights law. He also reiterates the important role played by human rights defenders in the promotion and defence of human rights and fundamental freedoms, often involving scrutiny and criticism

of the actions of public authorities that are necessary in a pluralistic, democratic and open society.

633. The Special Rapporteur is seriously concerned about the recurrent practice of imposing travel bans on human rights defenders, especially when it is done in an act of reprisal for their cooperation with the United Nations human rights mechanisms.

634. On 12 June 2016, human rights defenders Mr. Radhi, Ms. Ali-Alsaegh and Mr. Al-Demistani were stopped by security officials at Bahrain International Airport and informed that a travel ban had been issued against them since 9 June 2016. Mr. Radhi, Ms. Ali-Alsaegh and Mr. Al-Demistani were due to travel to Geneva to participate in the thirty-second session of the United Nations Human Rights Council. None of the human rights defenders were given any official documentation stating that they were banned from traveling abroad. Family members of victims of human rights abuses in Bahrain, who were due to accompany the three human rights defenders to Geneva, were also prevented from travelling. Human rights defender Mr Abdulnabi al-Ekry was also due to fly to Geneva on 21 June 2016 to participate in the thirty-second session of the Human Rights Council. On 18 June 2016, Mr Al-Ekry was informed by officials at Bahrain International Airport that the Public Prosecution had issued a travel ban against him on 9 June 2016. Mr. Al-Ekry was not formally notified of this travel ban. On 2 November 2016, Mr. Mohammed Jawad, an environmental human rights defender and musician who campaigns for environmental rights in Bahrain was prevented by Bahraini border control officials from travelling to Morocco to participate in the twenty-second session of the Conference of the Parties (COP 22) of the United Nations Climate Change Conference. He intended to speak on the polluting effects of gas emissions by the Bahrain Petroleum Company (BAPCO) – the national oil company of Bahrain - in his village of Al-Ma'ameer and its surrounding areas. He was not given any official documentation, indicating a travel ban issued against him. On 29 August 2016, Ms. Nedal Al-Salman, a woman human rights defender was prevented by officials at Bahrain International Airport from travelling to Doha on her way to Geneva to participate in several meetings during the thirty-third session of the Human Rights Council. She was informed that the Public Prosecution had ordered a travel ban against her. She was not formally notified of that order or of the legal basis for it. On 23 August 2016, Mr. Hussain Salam Ahmed Radhi, a human rights defender was prevented from exiting Bahrain to travel to Geneva to participate in the thirty-third session the United Nations Human Rights Council. On 23 August 2016, Mr. Mohammed Al-Tajer, a prominent human rights lawyer and his family members were prevented from travelling to Istanbul on their way to Geneva. He was scheduled to take part in the events linked to the Human Rights Council. Mr. Al-Tajer was informed that a travel ban against him had been issued by the Public Prosecution on the same day. The previous travel ban against Mr. Al-Tajer had been lifted three weeks prior to that incident. On 10 November 2016, the human rights lawyer was interrogated at the General Public Prosecutor's office in connection to the travel ban, and he was informed of an investigation carried out by the Department of Cybercrime into a post he had made on the Twitter on 14 February 2016, which stated "History tells stories of falling dictators, but the lesson is never learnt." On 22 August 2016, Ms. Enas Oun, a woman human rights defender was prevented from travelling from Bahrain International Airport to Tunisia to participate in a human rights workshop. The officials informed her that the General Directorate of Criminal Investigation had ordered a travel ban against her on 21 August 2016. Ms. Oun was not formally notified of the order or of its reasons.

635. The Special Rapporteur laments that travel bans have repeatedly been used in what appears to be a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in international events related to human rights. The Special Rapporteur is particularly concerned that the vast majority of the above-mentioned travel bans constitute acts of reprisal for the exercise of human rights defenders' rights to freedom of expression and freedom of association in relation to their human rights work, including in seeking to cooperate with the United Nations, its mechanisms and

representatives in the field of human rights, namely with the Human Rights Council. He is also concerned by the broader effect of the imposition of travel bans as a means of preventing the legitimate exercise of rights, which may have a chilling effect on human rights defenders and civil society as a whole, particularly those with dissenting opinions.

636. The Special Rapporteur wishes to draw attention to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanisms and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the UPR and the treaty bodies, as well as regional human rights mechanisms".

637. The Special Rapporteur continues to be deeply concerned by the arbitrary arrest, detention and charges brought against prominent human rights defender Mr. N.Rajab, the Founding Director of the Gulf Centre for Human Rights, Deputy Secretary General of the International Federation for Human Rights. His deteriorating state of health is a matter of particular concern. The Special Rapporteur takes note of information that on 28 December, 2016, Manama's Fifth High Criminal Court acceded to an application for Mr. Rajab's temporary release and the fact that he was allegedly re-arrested later on the same day and referred to the Public Prosecution in relation to an investigation into televised interviews dating from 2015 and January 2016, which commenced in mid-June 2016. Mr. Rajab is facing a number of accusations including "publishing and broadcasting false news that undermine the prestige of the State".

638. The Special Rapporteur takes note of the response provided by the authorities of Bahrain, the English translation of which states that "The Office of the Public Prosecutor received a communication from the police to the effect that the accused had published and disseminated false and biased news, statements and rumours that compromised the dignity and prestige of the Kingdom and undermined confidence in it, because he accused the regime in the Kingdom of pursuing a policy of repression and intimidation and of arresting opponents. He also claimed that the authorities committed crimes of murder, torture and sectarianism. In addition, the material he published insulted the judiciary." In this respect the Special Rapporteur wishes to remind the authorities of Bahrain that paragraph 3 of article 19 of the ICCPR sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. Criminalization of expression through repressive legislation, in particular criminal sanctions and imprisonment for libel and defamation or the requirement of truth with respect to expression are not deemed proportional with an effective exercise of the right to freedom of expression. The Special Rapporteur wishes to underline that the ongoing judicial harassment of Mr. Rajab seems clearly related to the exercise of the right to freedom of expression through his peaceful and legitimate activities advocating for human rights in Bahrain and calls for the immediate and unconditional release of Mr. Rajab.

639. The Special Rapporteur wishes to stress the responsibility of the Government to provide human rights defenders with a free, secure and enabling environment in which to carry out their crucial human rights work and urges the Government of Bahrain to take measures for reversing the downward spiral of the deteriorating human rights situation in the country.

Egypt

640. JUA 17/12/2015 Case no: *EGY 17/2015* State reply: *02/02/2016*

Alleged arbitrary arrest, detention and torture of peaceful protestor and human rights defender Mr. Mahmoud Mohamed Ahmed Hussein.

641. JUA 08/02/2016 Case no: *EGY 1/2016* State reply: none to date

Alleged arbitrary arrest and detention of two journalists Mr. Hisham Ahmed Awad Jafar and Mr. Ismail Alexandrani.

642. JUA 12/02/2016 Case no: *EGY 2/2016* State reply: 18/09/2016

Alleged arbitrary arrest, detention and charges against three human rights defenders (two women) Ms. Aya Hegazy, Mr. Mohamed Hassanein, and Ms. Amira Farag.

643. JAL 23/02/2016 Case no: *EGY 3/2016* State reply: 06/09/2016

Alleged attempt to arbitrarily close human rights organization Nadeem Center for the Rehabilitation of Victims of Violence and Torture.

644. JAL 24/03/2016 Case no: *EGY 4/2016* State reply: none to date

Alleged targeting of leading human rights defenders and organizations in Egypt through interrogations, asset freezes, travel bans and closure orders.

645. JUA 04/05/2016 Case no: *EGY 6/2016* State reply: none to date

Alleged disproportionate restrictions on the rights to freedom of peaceful assembly and of expression, as well as the excessive use of force, and the continued targeting of civil society, in particular of human rights defenders and organizations.

646. JAL 08/07/2016 Case no: EGY 8/2016 State reply: 12/08/2016

Allegations concerning a travel ban imposed against women human rights defender Ms. Mozn Hassan.

647. JUA 09/08/2016 Case no: EGY 10/2016 State reply: none to date

Allegations concerning arbitrary detention of human rights defender Mr. Ahmed Abdallah Abou Elela Abdallah.

648. JAL 06/10/2016 Case no: EGY 11/2016 State reply: none to date

Allegations concerning re-opening of the so-called “foreign funding case”, an investigation into the funding of local and foreign groups and restrictions imposed on the activities of five human rights defenders and three human rights NGOs, through the application of the NGO law and freezing of their assets.

649. JUA 28/10/2016 Case no: EGY 12/2016 State reply: 28/12/2016[20]

Allegations concerning arrest, solitary confinement, torture and ill-treatment, as well as on-going prosecution and serious due-process violations in relation to prominent human rights lawyer Mr. Malek Mostafa Adly Elgendy.

650. UA 18/11/2016 Case no: EGY 13/2016 State reply: 28.12.2016[21]

Allegations concerning a travel ban imposed against woman human rights defender Ms. Mozn Hassan.

651. AL 22/11/2016 Case no: EGY 15/2016 State reply: none to date

Allegations of travel bans imposed against two human rights defenders (one woman), Ms. Azza Soliman and Mr. Ahmed Ragheb.

652. JOL 23/11/2016 Case no: EGY 14/2016 State reply: none to date

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[20] At the time of publishing no translation for this response was available.

[21] At the time of publishing no translation for this response was available.

Allegations concerning a new draft law on NGOs adopted by the Egyptian Parliament on 15 November 2016, which may have a dramatic impact on civil society organizations in Egypt.

653. PR *11/04/2016*

UN experts urge Egypt to end ongoing crackdown on human rights defenders and organisations.

654. PR *09/05/2016*

Worsening crackdown on protest, a further setback to human rights – UN experts.

655. PR *24/11/2016*

Egypt steps up travel bans on rights defenders with "chilling effect", UN expert warns.

656. PR *15/12/2016*

UN experts condemn Egypt as clampdown "tightens the noose" on women's rights movement.

657. The Special Rapporteur thanks the Government for the replies received to six of the thirteen communications sent during the present reporting period. The Special Rapporteur urges the Government to fully engage with the mandates of the Human Rights Council and to provide responses to all the communications sent.

658. The Special Rapporteur expresses severe concern about the escalation of attacks against independent civil society in Egypt, including the targeting of leading human rights defenders and organisations through interrogations, harassment, intimidation, restrictions on funding, alleged arbitrary arrest, detention, criminal charges, asset freezes, travel bans and closure orders. The Special Rapporteur is particularly concerned as human rights defenders and their organisations appear to be targeted for peacefully carrying out their human rights activities as well as for legitimately exercising their rights to freedom of expression and freedom of peaceful assembly and association. The overall chilling impact of these allegations severely restrains civil society space, intimidating and silencing organisations and human rights defenders operating in Egypt.

659. Particularly worrying is the escalation of Government action directed against women human rights defenders and women rights groups as part of a continuing clampdown on civil society. In a joint statement with other independent experts of the United Nations the Special Rapporteur stated that the continuous persecution of women human rights defenders such as Ms. A. Soliman and Ms. M. Hassan through the investigation of the case No. 173(2011), the so-called 'Foreign Funding Case', establishes and reinforces a pattern of systematic repression of the Egyptian women's rights movement, aiming to silence and intimidate those working tirelessly for justice, human rights and equality.

660. The Special Rapporteur is concerned by the adoption of a new draft law on NGOs by the Egyptian Parliament on 15 November 2016, which, should it enter into force, may have a dramatic impact on human rights defenders and civil society organizations in Egypt by imposing severe restrictions to their functioning. Some of the major concern raised by the Special Rapporteur jointly with other independent experts of the United Nations are that - the draft law's registration requirements establish a burdensome procedure to form civil society organizations and could be detrimental to smaller associations; the provisions on membership are incompatible with international human rights law and would unduly restrict the possibility for individuals to freely join associations; dispositions prohibiting associations to undertake political activities or conduct field research or surveys is in total contravention of international legal standards; several provisions of the law would complicate the access of funding for associations, and even prevent them, in some cases to

access them at all, as the authorization completely relies on the State's discretion. The law, in addition, foresees the establishment of harsh and disproportionate criminal penalties on associations and their members.

661. The reactivation of the 'Foreign Funding Case' in March 2016 is another major point of concern. It implies an investigation into the funding of local and foreign groups, and restrictions imposed on the activities of human rights defenders and human rights NGOs. As a result of the re-opening of the Foreign Funding Case, judges have issued a series of travel bans and asset freeze requests, affecting numerous NGOs and human rights defenders. Human rights defenders have been summoned and questioned in relation to accusations of forming illegal organizations and receiving illegal funding used to harm national security.

662. On 22 March 2016, several members of the registered association Nazra for Feminist Studies were interrogated by investigative judges after receiving a formal summons in connection with the 'Foreign Funding Case'. Between June 2015 and March 2016, several staff members of the Cairo Institute for Human Rights Studies and the 'United Group- Attorneys-at-law, Legal Advisors' were also summoned for interrogation. Several NGO workers were reportedly threatened with arrest warrants and prosecutions, following their refusal to appear before the investigative judges. On 2 February 2016, an investigative judge involved in the 'Foreign Funding Case' allegedly issued asset freezing requests against four human rights defenders and their families, reportedly without formally notifying them. The human rights defenders targeted include two prominent members of the Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights.

663. On 17 February 2016, the Ministry of Health issued an "administrative closing order" to the Nadeem Center for the Rehabilitation of Victims of Violence and Torture on the basis that it was performing unlicensed work. The closure order was suspended pending the outcome of a meeting between representatives of the organisation and the Ministry of Health, which took place on 22 February 2016. However, on 24 February 2016, the Ministry of Health reportedly released a public statement confirming the closure of the Nadeem Center.

664. The Special Rapporteur is particularly concerned about the increasing practice of arbitrary application of travel restrictions against human rights defenders as a means of preventing the exercise of their fundamental rights, hampering them from conducting their activities in cooperation with UN bodies and mechanisms, international organisations and other civil society institutions. Restrictions imposed on defenders' freedom of movement have regrettably become routine in what is seen as a broader crackdown against Egyptian civil society. The Special Rapporteur has received the cases of more than 15 Egyptian human rights defenders, who were allegedly prevented from travelling abroad in 2016 for regional and international events. Despite reassurances by the Government that the travel bans are in line with the principle of criminal justice, the Special Rapporteur wishes to highlight a series of procedural concerns. For example, the activists were not being notified of the bans before they attempted to travel, and were often not told the legal basis or how to appeal, resulting in their inability to challenge the decision. On 19 November 2016, woman human rights defender Ms. Azza Soliman was prevented from travelling to Jordan in order to participate in a training dedicated to issues of gender equality and women's rights. On 15 November 2016, human rights defender Mr. Ahmed Ragheb was prevented from travelling to Morocco to attend the twenty-second session of the Conference of the Parties (COP 22) of the United Nations Climate Change Conference which constitutes an act of reprisal for cooperation with the UN. Prominent woman human rights defender Ms Mozn Hassan was prevented from traveling to Beirut on 27 June 2016 to participate in the Executive Committee meeting of the Women Human Rights Defenders Regional Coalition for the Middle East and North Africa, and to Stockholm on 22 November 2016 to receive the distinguished Right Livelihood Award on 25 November 2016. In February 2016, travel

bans were reportedly issued against two prominent members of the Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights.

665. The Special Rapporteur is equally concerned about measures reportedly used by Egyptian authorities to restrict and sanction the exercise of the right to freedom of peaceful assembly and freedom of expression at protests, including allegedly threatening statements and intimidation, the excessive use of force, checks points, arbitrary arrests, detention and criminal prosecution. On 15 and 25 April 2016, protests took place across Egypt and were met with excessive force. It is reported that over 380 people were arrested. The Special Rapporteur, jointly with other United Nations independent experts has voiced particular concern over the use of national security provisions and counterterrorism legislation to target individuals exercising their rights, in particular journalists and human rights activists.

666. The Special Rapporteur welcomes the release on bail of young human rights defender Mr. Mahmoud Mohamed Ahmed Hussein on 24 March 2016 by a Cairo court, however remains concerned by the fact that prosecutors have not formally closed the investigation. The Special Rapporteur expresses deep concern over allegations that Mr. Hussein was subjected to torture and/or ill-treatment during his pre-trial detention which reportedly lasted more than two years as well as during his interrogation process.

667. The Special Rapporteur welcomes the release on bail of human rights defender Ms. Amira Farag on 17 December 2016 due to health reasons. As the trial of the members of the Belady Foundation continues, the Special Rapporteur takes note of the Government's reply provided to his letter of 12 February 2016 and remains concerned by the alleged arbitrary arrest, detention and charges against three human rights defenders Ms. Aya Hegazy, Mr. Mohamed Hassanein and Ms. Amira Farag which seem to be related to their legitimate human rights work.

668. The Special Rapporteur welcomes the release of human rights defender Mr. Ahmed Abdallah Abou Elela Abdallah on bail on 10 September 2016 by the order of a Cairo criminal court and the fact that the prosecution has decided not to appeal against this decision. However the Special Rapporteur reiterates his concerns regarding the fact that the arrest, detention and ill-treatment of Mr. Abdallah might be related to his legitimate and peaceful activities as a human rights defender and the exercise of his rights to freedom of expression, freedom of association and freedom of assembly.

Jordan

669. JAL 16/02/2016 Case no: *JOR 2/2016* State reply: none to date

Allegations of intimidation, in the form of a verbal threat, and harassment, against environmental human rights defender Mr. Farhan Issa Ahmed Al-Daboubi.

670. JUA 16/09/2016 Case no: JOR 3/2016 State reply: none to date

Allegations of criminalization of the right to freedom of expression through the arrest and detention of Mr. Nahed Hattar, writer and journalist.

671. The Special Rapporteur has sent two communications to the Government of Jordan during the reporting period, and regrets that no response has been received to either of these communications as of the finalization of the present report. The Special Rapporteur urges the Government to fully engage with his mandate and to provide timely and substantive responses to his communications.

672. The Special Rapporteur is concerned about the situation of environmental human rights defenders in the country, in particular in light of the allegations of intimidation and verbal harassment against environmental human rights defender Mr. Farhan Issa Ahmed Al-Daboubi, following his complaints against the Al-Manakher Power Plant located in the east of Amman, Jordan. The human rights defender had been summoned by police on

several occasions in relation to the complaints he submitted against the power plant and was reportedly for a day.

673. The Special Rapporteur is also extremely concerned about restrictions on the right to freedom of expression in the country, and that such restrictions may result in self-censorship on political, religious and public interest issues, deterring the free exchange of ideas on such matters, impacting the legitimate work of human rights defenders. In particular, the mandate holder expresses his grave concerns about the arrest and detention, and subsequent killing in front of an Amman courthouse of Mr. Nahed Hattar, a well-known journalist and writer, in an apparent retaliation for posting a cartoon on Facebook which was considered offensive to Muslims and anti-Islam. The Special Rapporteur on freedom of opinion and expression issued a statement on the killing of Mr. Hattar on 27 September 2016, stressing that the charges for which he was to appear before the court amount to the criminalization of blasphemy, which is incompatible with Jordan's obligations under international human rights law.

674. In light of the above, the Special Rapporteur expresses his deep concern regarding the exercise of the right to freedom of opinion and expression in the country, and appeals to the Government to take all necessary steps to ensure that a conducive and enabling environment for human rights defenders exists in the country so that they are able to carry out their legitimate work without the fear of reprisals and negative repercussions. He also calls on the Government to ensure that the killing of Mr. N.Hattar is properly investigated and that penal, disciplinary or administrative sanctions are imposed on any alleged perpetrators. Additionally, the Special Rapporteur regrets that the above-mentioned violations against human rights defenders continue despite the fact that the Government had accepted a recommendation during the UPR carried out in 2014 calling for continuing efforts in the promotion and protection of human rights [22].

Iraq

675. JUA 15/04/2016 Case no: *IRQ 1/2016* State reply: none to date

Allegations of acts of intimidation and reprisals, in the form of arbitrary arrest and ill-treatment, against two human rights defenders for their work and cooperation with the United Nations in the field of human rights.

676. The Special Rapporteur reiterates his serious concerns regarding the allegations of arrest and ill-treatment of human rights defenders Mr. Imad Amara and Mr. Faisal Al Tamimi in retaliation to their legitimate human rights work at the Al Wissam Humanitarian Assembly, especially since these acts might be in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Both human rights defenders work for the human rights NGO, Al Wissam Humanitarian Assembly, which contributes to the documenting of cases of enforced disappearances in Iraq, submitting them to UN human rights mechanisms. According to available information other human rights defenders working for the Al Wissam Humanitarian Assembly have similarly been subjected to acts of reprisals in relation to their cooperation with UN human rights mechanisms, related specifically to the submission of cases and information to the Committee on Enforced Disappearances. On 6 March 2016, the two human rights defenders were informed that a warrant for their arrest had been issued. They were handcuffed, blindfolded, and then taken to an unknown location. Both men were reportedly severely beaten, insulted and threatened, while they were interrogated about their work with families of disappeared persons for about two hours until they were released, still blindfolded, close to the Al Maydan square in Baghdad.

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[22] A/HRC/25/9.

677. The Special Rapporteur wishes to remind the Government of Iraq of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which Iraq ratified on 7 July 2011.

Israel

678. JUA 08/12/2015 Case no: *ISR 9/2015* State reply: none to date

Alleged obstruction of the work of, and intimidation against, Palestinian human rights defenders, including those working for Youth Against Settlements.

679. JUA 23/12/2015 Case no: *ISR 10/2015* State reply: none to date

Alleged arbitrary arrest and detention of human rights defender Mr. Judeh Deeb Ibrahim Jamal and two of his colleagues Ms. Najwan Odeh and Mr. Fadi Manasra.

680. JAL 03/03/2016 Case no: *ISR 1/2016* State reply: none to date

Allegations of undue restrictions to the rights to freedom of association and freedom of expression contained in draft laws titled "Transparency Law".

681. JAL 10/03/2016 Case no: *ISR 3/2016* State reply: none to date

Alleged administrative detention and sentencing of woman human rights defender Ms. Khalida Jarrar, as well as harassment and tear-gas attack against another woman human rights defender Ms. Manal Tamimi.

682. JAL 30/03/2016 Case no: *ISR 5/2016* State reply: none to date

Alleged extrajudicial execution of a Palestinian man by an Israeli soldier in Hebron, as well as threats against Mr. Imad Abu Shamsiyyeh, the human rights defender who recorded the alleged extrajudicial execution and handed it B'Tselem.

683. JUA 15/04/2016 Case no: *ISR 6/2016* State reply: none to date

Alleged threatening and intimidating statements made against the members of a human rights organization Palestinian Rights, Boycott, Divestment and Sanctions (BDS) for the exercise of their rights to freedom of association and freedom of expression, as well as their human rights work.

684. JAL 02/08/2016 Case no: ISR 8/2016 State reply: none to date

Allegations of threats, cyber-attacks and smear campaign against human rights organisation Al-Haq, its members and the General Director, Mr. Shawan Jabarin, as well as arbitrary arrest and detention of human rights defender Mr. Abdallah Abu Rahma.

685. JUA 18/08/2016 Case no: ISR 9/2016 State reply: none to date

Allegations concerning arbitrary arrest and detention of human rights defenders Mr. Issa Amro and Mr. Farid Al-Trash in relation to the exercise of their rights to freedom of expression and freedom of association.

686. JUA 16/11/2016 Case no: ISR 12/2016 State reply: none to date

Allegations concerning arrest and detention of human rights defender Mr. Salah Khawaja, who was arrested on 26 October 2016 and has since been detained without charge or trial by the Israeli authorities.

687. PR 15/12/2015

Stop unacceptable harassment of human rights defenders in Occupied Palestinian Territory – UN experts.

688. PR *24/06/2016*

UN experts urge Knesset not to adopt pending legislation that could target critical NGOs.

689. PR *16/12/2016*

Human rights defenders under growing legal pressure in the OPT – UN rights experts.

690. The Special Rapporteur has addressed nine communications to Israel during the present reporting period and regrets that as of the finalization of this report, no responses have been received to the communications sent. The Special Rapporteur urges the Government of Israel to fully engage with the mandate-holders of the United Nations Human Rights Council and to provide responses to the communications sent. The Special Rapporteur recalls his outstanding request to visit Israel and the Occupied Palestinian Territory in 2018 (the first half.)

691. The Special Rapporteur expresses serious concern at continued allegations that human rights defenders are being subjected to physical attacks, harassment, arrest, detention, and death threats, particularly in the Occupied Palestinian Territory (OPT) in what appear to be like attempts by Israeli authorities and non-State actors to stop their peaceful and crucial human rights work. Additional concern is expressed at what appears to be a pattern of increasing harassment and targeting of women human rights defenders in the OPT. The Special Rapporteur calls for the continued harassment of human rights defenders in the OPT, who are exercising their rights to freedoms of expression and association, to be stopped.

692. The Special Rapporteur has received a worrying number of complaints regarding human rights defenders who are arrested and, in many cases, arbitrarily detained in the OPT. He wishes to draw special attention to the cases against Mr. Issa Amro, founder of the Hebron-based group Youth Against Settlements, and Mr. Farid al-Atrash, a lawyer from Hebron, who were arrested due to their participation in a peaceful protest in February 2016. The Special Rapporteur welcomes the release on bail of Mr. Amro and Mr. Al-Atrash on 1 March 2016, however remains concerned that Mr. al-Atrash is still facing charges of participating in an illegal demonstration and attacking soldiers and Mr. Amro is facing trial in an Israeli military court on 18 charges dating back to 2010, including participation in a rally without a permit. Mr. Amro has been subject to a concerted pattern of harassment and intimidation by the Israeli authorities aimed at inhibiting his work as a human rights defender. This relatively unusual practice of bringing up stale charges, which were not pursued many years ago, strongly suggests that Mr. Amro is being unfairly targeted due to his legitimate and peaceful human rights work. In respect to this, the Special Rapporteur wishes to emphasize that charges of participation in a rally without a permit are nearly impossible to avoid for Palestinians in the West Bank who peacefully protest and oppose the occupation. The Israeli Military Order 101 (issued in 1967) effectively prohibits free association and assembly, in clear violation of the basic tenets of international human rights law. The Special Rapporteur calls upon the Government to ensure that legal proceedings are carried out in full compliance with the international guarantees of the fundamental freedoms of peaceful assembly and expression.

693. The Special Rapporteur reiterates his concerns at the sentencing on 7 December 2015 of woman human rights defender Ms. Khalida Jarrar to 15 months' imprisonment, a fine of 10,000 NIS ($ 2,515), and a suspended sentence of 12 months within a 5 year period by the Military Court of Ofer on charges of "membership on an illegal organisation" and "incitement to kidnap Israeli soldiers". The Special Rapporteur laments the alleged

connection of the administrative detention, trial and sentencing of Ms. Jarrar to her long-standing human rights work.

694. The Special Rapporteur urges the Israeli Government to ensure a protective environment where human rights defenders can work without unlawful restrictions and without fear of retaliatory acts. He also urges Israeli authorities to ensure fair trial guarantees for human rights defenders and respect their unfettered exercise of fundamental freedoms of expression, peaceful assembly and association.

695. The Special Rapporteur is also seriously concerned by the adoption on 11 July 2016 of new legislation known as 'NGO transparency bill' by the Parliament of Israel (Knesset), which may in effect, target NGOs which are critical of government policy. The law imposes new requirements on NGOs that receive more than half of their funding from "foreign political entities", obliging them to specify this information in their publications and their communications with civil servants or elected officials. The same is not required of NGOs that are funded by other foreign sources that are not classified as political entities or by private donors.

696. The Special Rapporteur, jointly with other international experts of the UN, has expressed concerns that the legislation would have a wide chilling effect on human rights NGOs by subjecting them to harsh penalties for violations and delegitimizing them publicly. The stated aim of the legislation is to increase transparency. While the promotion of transparency in general is to be welcomed as a legitimate end, the Special Rapporteur nevertheless fears that the new legislation will have a detrimental impact on human rights and civil rights organizations, which receive a majority of their funding from foreign entities. The discriminatory impact of new requirements on NGOs would result in public shaming of certain organizations, eroding the democratic character of Israeli civil society.

697. Addressing the UN Security Council on 12 July 2016, the former UN Secretary General Ban Ki-moon expressed concern over Israel's passage of the "NGO Transparency Law," which he said contributes to a climate in which the activities of human rights organizations are increasingly delegitimized. On 19 July 2016 the OHCHR also expressed concerns about the new legislation, "Given the recent attacks against civil society organizations in Israel by public officials and some specific groups, we fear that this law will have a chilling effect on human rights defenders and their legitimate and extremely valuable contribution to the human rights debate in Israel, including those challenging the Israeli Government's policy on the occupied Palestinian territory." According to a statement by the European Commission issued on 12 July 2016, "The reporting requirements imposed by the new law go beyond the legitimate need for transparency and seem aimed at constraining the activities of these civil society organizations working in Israel." The Special Rapporteur urges the Government of Israel to listen to these valid concerns and consider reviewing the provisions of the new legislation.

Kuwait

698. JAL 17/12/2015 Case no: *KWT 7/2015* State reply: *11/02/2016*

Allegations regarding the sentencing of human rights defender Mr. Abdullah Fairouz Abdullah Abd al-Kareem and steps taken towards revoking his citizenship.

699. JAL 22/04/2016 Case no: *KWT 1/2016* State reply: *27/04/2016, 09/06/2016*[23]

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[23] At the time of publishing no translation for this response was available.

Allegations of intimidation of woman human rights defender Ms. Shaikha Binjasim.

700. JUA 07/06/2016 Case no: KWT 2/2016 State reply: 13/06/2016, 17/06/2016, 20/06/2016, 11/07/2016[24], 03/08/2016

Allegations of sentencing and deportation order against human rights defender Mr. Abdulhakim al-Fadhli, as well as allegations of torture against him during interrogation.

701. JUA 07/10/2016 Case no: KWT 3/2016 State reply: 8/11/2016, 01/12/2016

Allegations regarding the arrest, detention and sentencing of human rights defender and MP Mr. Abdulhameed Dashti.

702. The Special Rapporteur sent four communications to the Government of Kuwait in the period covered by the present report, and received a total of nine replies to them, for which he wishes to express his appreciation to the Government. However, the Special Rapporteur remains concerned regarding the sentencing of human rights defender Mr. Abdullah Fairouz Abdullah Abd al-Kareem and steps taken towards revoking his citizenship. Mr. Al-Kareem was arrested on 9 April 2013 in Kuwait on charges of insulting the judiciary. He was released on bail on 15 April 2013. On 4 November 2013, Mr. Al-Kareem was again arrested, in this instance on the basis of statements made on social media relating to the Emir. While the Special Rapporteur takes note of the detailed response provided by the Government, he wishes to reiterate his concern that Mr. Al-Kareem was detained and subsequently convicted purely for his critical views against government authorities and the judiciary, and that a view which is considered to be insulting to a public figure could justify the imposition of criminal sanctions.

703. The Special Rapporteur wishes to remind the authorities of Kuwait that the continued use of repressive legislation restricting the right of freedom of expression is incompatible with international human rights law. This view was also supported by the Human Rights Committee during the consideration of Kuwait's periodic report in 2011, where it stated that '[t]he Committee is concerned about the excessive restrictions on freedom of expression that are contained in the Press and Publication Law and in related legislation, including prohibitions on legitimate criticism of government officials and other public figures. The Committee is also concerned about allegations of arbitrary arrest, detention, trial and deportation of persons who make use of their freedom of opinion and expression through the media and through the internet'. The Special Rapporteur wishes to highlight the important role played by human rights defenders in the promotion and defence of human rights and fundamental freedoms, often involving scrutiny and criticism of the actions of public authorities that are necessary in a pluralistic, democratic and open society.

704. The Special Rapporteur wishes to reiterate his concern regarding the criminalization of the right to freedom of opinion and expression of human rights defender and member of the National Assembly Mr. Abdulhameed Dashti, in relation to critical opinions he had expressed about Bahrain and Saudi Arabia on Twitter. Mr. Dashti had been sentenced in absentia to a total of fourteen years and six months in prison. The Special Rapporteur urges the Government to provide an open space for civil society and respect the fundamental right to freedom of opinion and expression, even if this constitutes criticism of the Government, the political leadership or the policies of other countries in the Gulf region. He reiterates his previously expressed concern over the Government's repeated resort to Law No. 31 of 1970, which, inter alia, criminalizes the questioning of the authority of the Emir, as well as the use of other laws that prohibit insulting the rulers of other countries, Islam, the Prophet or

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[24] At the time of publishing no translation for this response was available.

Kuwaiti public officials, to curb individuals' right to freedom of expression and opinion. The Special Rapporteur also remains concerned about the case of human rights defender Ms. Shaikha Binjasim, who was called for questioning by the public prosecutor and released the same day, for expressing her views about the Constitution and religious texts.

705. The Special Rapporteur regrets that human rights defenders continue to be persecuted in Kuwait despite the Government's acceptance of recommendations made during the second cycle of UPR in 2015 to take constructive steps to promote and protect human rights. Additionally, the Government had also accepted a recommendation to guarantee the right to freedom of expression, association and peaceful assembly of journalists, activists, human rights defenders and those who take part in demonstrations[25].

Lebanon

706. JAL 13/07/2016 Case no: LBN 2/2016 State reply: none to date

Allegations concerning arrest, detention and charges against human rights lawyer and the Director of the Lebanese Institute for Democracy and Human Rights (LIFE) Mr. Nabil al-Halabi.

707. The Special Rapporteur wishes to reiterate his concerns about the arrest, detention and charges brought against human rights defender Mr. Nabil al-Halabi, which are directly related to the legitimate exercise of his right to freedom of expression. It is particularly worrying that the complaint filed against Mr al-Halibi cited his Facebook posts and led to the use of defamation and libel provisions to limit the expression of matters of public interest, concerning public figures. Although Mr. al-Halabi was released on 1 June 2016, it is unclear whether the libel and defamation charges against him have been dropped. The Special Rapporteur is particularly concerned that the use of legislation to criminalise and/or obstruct the work of human rights defenders advocating through journalistic work and social media could produce a wider chilling effect, which may dissuade the civil society representatives, including human rights defenders, from exercising their right to freedom of opinion and expression, and voicing dissenting views in Lebanon.

Mauritania

708. JUA 02/08/2016 Case no: MRT 1/2016 State reply: none to date

Allégations concernant l'arrestation, la détention arbitraires des actes de torture et de mauvais traitements de treize défenseurs des droits de l'homme- M. Amadou Tidjane Diop, M. Balla Touré, M. Hamady Lehbouss, M. Ahmed Hamdy Amarvall, M. Khatri Rahel M'Bareck, M. Mohamed Daty, M. Jemal Beylil, M. Ousmane Anne, M. Ousmane Lô, M. Abdallahi Matallah Saleck, M. Moussa Biram, M. Abdallahi Abou Diop et M. Mohamed Jaroullah, ainsi que 10 autres personnes arrêtées dans le même contexte.

709. JUA 11/10/2016 Case no: MRT 2/2016 State reply: 19/10/2016

Allégations de graves violations des procédures judiciaires, y compris des actes de torture, suite à l'arrestation, la détention arbitraire, la condamnation et l'emprisonnement de treize membres de l'ONG Initiative pour la Résurgence du Mouvement Abolitionniste (IRA) ainsi que 10 autres personnes, arrêtées le 29 juin 2016.

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[25] A/HRC/29/17/Add.1.

710. Le Rapporteur spécial remercie le Gouvernement de Mauritanie pour la réponse détaillé fournie à sa lettre du 11 octobre 2016 mais constate que malheureusement, cette réponse reste insatisfaisante au regard de la gravité des faits allégués.

711. Le Rapporteur spécial réaffirme sa préoccupation concernant le harcèlement judiciaire continu contre l'ONG « Initiative pour la Résurgence du Mouvement Abolitionniste » (IRA) qui semblent être en lien direct avec les activités légitimes de ses membres défenseurs des droits de l'homme et à l'exercice de leurs droits à la liberté d'expression, de réunion pacifique et d'association. Il est particulièrement préoccupé par les allégations de graves violations des procédures judiciaires, y compris des allégations de torture, suite à l'arrestation, la détention arbitraire, la condamnation et l'emprisonnement de treize membres d'IRA ainsi que 10 autres personnes arrêtées à la suite des évènements qui ont eu lieu lors de l'opération d'expulsion de la gazra de Bouamatou, le 29 juin 2016.

712. Ces allégations semblent contrevenir à la responsabilité principale et au devoir de l'Etat de protéger, promouvoir et rendre effectifs tous les droits de l'homme et toutes les libertés fondamentales, selon la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme et les libertés universellement reconnus, et en particulier ses articles 1, 2, 5, 6 et 12.

713. Le Rapporteur spécial adhère pleinement à préoccupations soulevées par le Rapporteur spécial sur l'extrême pauvreté et les droits de l'homme qui, lors de sa visite en Mauritanie en mai 2016, a exprimé son inquiétude sur la question des habitants de gazra de Bouamatou et a insisté sur le fait que les autorités pourraient avoir ciblé les militants de l'IRA comme mesure de représailles pour leur coopération lors de la visite du Rapporteur spécial.

714. Le Rapporteur spécial souhaite rappeler au Gouvernement de la Mauritanie le caractère absolu et non-dérogeable de la prohibition de la torture et autres mauvais traitements tels que codifiés aux articles 2 et 16 de la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, à laquelle la Mauritanie a adhéré le 17 Novembre 2004.

715. Le Rapporteur spécial tient à souligner la responsabilité du Gouvernement de fournir aux défenseurs des droits de l'homme un environnement libre, sûr et porteur pour la réalisation de leurs activités cruciales en matière de droits de l'homme et prie instamment le Gouvernement mauritanien de mettre fin au harcèlement judiciaire des actes d'intimidation et de torture dirigés contre les membres de l'IRA et autres défenseurs des droits humains dans le pays.

Morocco

716. JAL 22/03/2016 Case no: *MAR 1/2016* State reply: none to date

Allégations d'actes de représailles contre Mme Ghalia Djimi une femme défenseure des droits de l'homme pour sa coopération avec l'Organisation des Nations Unies (ONU) et ses mécanismes dans le domaine des droits de l'homme.

717. JAL 06/05/2016 Case no: *MAR 2/2016* State reply: none to date

Allégation d'expulsion du Maroc d'une délégation de juristes européens effectuant une mission dans le pays sous le motif de présenter des « menaces graves et imminentes à la sûreté du Maroc » pour avoir rencontré les avocats de prisonniers sahraouis de Gdeim Izik, qui depuis le 1er mars, observent une grève de la faim.

718. JAL 12/08/2016 Case no: MAR 3/2016 State reply: none to date

Allégations concernant les mesures restreignant les activités d'Attac Maroc, l'Association marocaine des droits de l'homme et le Réseau Amazigh pour la Citoyenneté.

719. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport et il encourage le Gouvernement à répondre à ces communications.

720. Le Rapporteur spécial continue d'être préoccupé par la situation générale des défenseurs des droits de l'homme au Maroc, en particulier face aux allégations de représailles et d'actes de harcèlement et d'intimidation contre des défenseurs ou des individus exerçant leur droits à la liberté d'association, de réunion pacifique et à la liberté d'expression au Sahara occidental.

721. L'expulsion du territoire marocain des neuf membres de la délégation de juristes européens le 7 avril 2016, laquelle serait directement liée à leurs activités pour la défense des droits de l'homme, en particulier des prisonniers sahraouis de Gdeim Izik, a été un sujet de préoccupation important pour le Rapporteur spécial. Il qualifie cet acte comme une mesure prise pour restreindre le droit à la liberté de mouvement de ces personnes, ainsi que leur droit à la liberté d'expression, tels que le disposent les articles 12 et 19 du PIDCP ratifié par le Maroc en 1979.

722. Le Rapporteur spécial réitère ses préoccupations concernant Mme El Ghalia Djimi, femme défenseure des droits de l'homme et Vice-Présidente de l'Association Sahraouie Des Victimes des Violations Graves des Droits de l'Homme (ASVDH) qui se serait vue refuser son droit à un congé annuel par la Direction Provinciale de l'Agriculture de Laayoune et n'aurait pas été autorisée à quitter le territoire marocain en février 2016. Mme Djimi, en conséquence, n'a pas pu participer aux travaux de la 31ème session du Conseil des droits de l'homme, ainsi qu'aux activités liées à la promotion et à la protection des droits de l'homme en Espagne, en tant que vice-présidente de l'ASVDH. Le Rapporteur spécial est particulièrement inquiet par le fait, que, selon les informations reçues, cette situation ne représente qu'un exemple parmi une tendance plus générale d'un nombre important de représailles et d'actes de harcèlement et d'intimidation contre des défenseurs des droits de l'homme. Il tient à rappeler au Gouvernement que le droit international prévoit un droit à l'accès sans entrave et à la communication avec les organes internationaux en matière de droits de l'homme et de libertés fondamentales. Le Rapporteur spécial souhaite rappeler la Résolution 24/24 du Conseil des droits de l'homme qui prie instamment les États de prendre toutes les mesures pour prévenir les actes d'intimidation ou les représailles, notamment, lorsqu'il y a lieu, en adoptant et en faisant appliquer une législation et une politique spécifiques, et en adressant des directives appropriées aux autorités nationales de façon à protéger efficacement contre tout acte d'intimidation ou de représailles ceux qui tentent de coopérer, coopèrent ou ont coopéré avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme. Le droit à un accès sans entrave et à la communication avec les organismes internationaux est également explicitement reconnu dans la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme. À cet égard, le Rapporteur spécial demande instamment au Gouvernement de veiller à ce que les défenseurs des droits de l'homme puissent mener à bien leurs activités légitimes dans un environnement sûr et propice; cela inclut l'accès sans entrave aux organes internationaux des droits de l'homme sans crainte de représailles de quelque sorte que ce soit.

723. En outre, le Rapporteur spécial reste préoccupé par l'augmentation du contrôle sur la société civile qui opère dans le pays et sur l'incidence de ces restrictions sur la jouissance des droits à la liberté de réunion pacifique et d'association et du droit à la liberté d'opinion et d'expression. Il exprime aussi de sérieuse réoccupations quant aux mesures restrictives prises à l'encontre d'un nombre d'organisations marocaines et sur le fait que ces mesures pourraient être liées aux activités de défense des droits de l'homme de ces organisations

dans l'exercice de leurs droits à la liberté d'expression ainsi qu'à la liberté de réunion pacifique et d'association.

Oman

724. JUA 27/06/2016 Case no: OMN 1/2016 State reply: 02/09/2016 (A)

Allegations of arbitrary deprivation of liberty, including incommunicado detention, of Mr. Jadad as well as alleged lack of access to adequate medical treatment while in detention.

725. JAL 15/09/2016 Case no: OMN 2/2016 State reply: 11/11/2016[26]

Allegations concerning allegations regarding criminalization of expression through the conviction of Mr. Hassan al-Basham, human rights defender and former diplomat, for posts made on social media in Oman.

726 The Special Rapporteur wishes to thank the Governments of the Sultanate of Oman for the responses received to the letters sent and appreciates the Government's engagement with his mandate.

727. The Special Rapporteur takes note of information provided by the Government which states that his communication letter of 27 June 2016 was examined with utmost attention by relevant authorities and led to reconsideration of the duration of detention of Mr. Said Ali Said Jadad and his subsequent release from detention on 26 August 2016. Nevertheless, he remains concerned that the arbitrary deprivation of liberty, including incommunicado detention of Mr. Jadad could be considered as acts of intimidation and reprisal for his cooperation with the United Nations, its mechanisms and representatives in the field of human rights. There are concerns that Mr. Jada faced retaliation for this cooperation, namely with the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Further concern is expressed that his detention was connected to his activities in the promotion of human rights and resulted from the legitimate exercise of his right to freedom of opinion and expression.

728. The Special Rapporteur expresses concern at the arrest and conviction of Mr. Hassan al-Basham, human rights defender and former diplomat, for posts made on social media, which represent a criminalization of the legitimate exercise of the right to freedom of religion or belief and expression as enshrined in articles 18 and 19 of the UDHR. On 8 February 2016, the Court of First Instance in Sohar convicted Mr. al-Basham on the basis of charges including "public blasphemy of God's holiness", "insulting the Sultan", and "using information networks in prejudice against religious values." The Special Rapporteur wishes to underline that the provisions upon which the arrest and conviction were made do not meet international human rights standards. He fears the broader impact this may have on civil society contributions on political and public interest issues, and the deterrent effect it may have on the free exchange of ideas on such matters in Oman, due to increased self-censorship. The Special Rapporteur urges the Government to take measures for excluding the use of such forms of intimidation and criminalization which limit the free flow of information and exchange of ideas in society, as well as negatively affect the work of human rights defenders in the country.

Saudi Arabia

729. JUA 11/12/2015 Case no: *SAU 11/2015* State reply: none to date

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[26] At the time of publishing no translation for this response was available.

Allegations of arbitrary convictions and sentences of two bloggers and human rights defenders Mr. Raef Badawi and Mr. Milif bin Daham al Shammari, including corporal punishment.

730. JAL 18/03/2016 Case no: *SAU 1/2016* State reply: *25/05/2016*

Alleged interrogation and arbitrary arrest of woman human rights defender Ms. [redacted] in retaliation for her human rights work and as a continued act of reprisal for her cooperation with the United Nations, its mechanisms and representatives in the field of human rights.

731. JUA 01/07/2016 Case no: SAU 4/2016 State reply: 24/11/2016[27]

Allegations concerning arrest, detention and severe sentences, including corporal punishment, of members of the Saudi Civil and Political Rights Association (ACPRA) and other human rights defenders, as well as allegations of prolonged solitary confinement and incommunicado detention.

732. PR *12/3/2015*

UN rights experts urge Saudi Arabia to halt the execution of Palestinian poet Ashraf Fayadh.

733. PR *11/17/2016*

One year on: UN group renews call for Saudi Arabia to release human rights activists.

734. The Special Rapporteur thanks the Government of Saudi Arabia for the responses provided to two out of the three communications sent in the reporting period and requests the Government to provide him with an answer to his letter of 11 December 2015.

735. The Special Rapporteur continues to express his serious concerns regarding the situation of human rights defenders in the country. According to information made available to the mandate, since 2014, there has been an increased targeting of human rights defenders, through legal proceedings and other administrative measures, such as the imposition of travel bans as a means to harass, intimidate and impede their work in defence of human rights. It is alleged that the majority of prominent human rights defenders have either been imprisoned or scared into silence, have fled the country, been subjected to travel bans, or intimidated and harassed by security forces. The Special Rapporteur laments the arrest, detention, severe sentences, including corporal punishment, of members of the Saudi Civil and Political Rights Association (ACPRA) and other human rights defenders, which regretfully seem to constitute part of the ongoing pattern of targeting human rights defenders in the country. At least eleven members of ACPRA are allegedly detained and serving lengthy prison sentences, as well as facing travel bans, for having denounced human rights violations and calling for human rights reforms in the country.

736. The Special Rapporteur reiterates his concerns about allegations of reprisals against Ms. [redacted] related to her communications with the United Nations, its mechanisms and representatives in the field of human rights. The Special Rapporteur also continues to express his concerns about the restrictions on the right of exercise of freedom of expression of human rights defenders who monitor and document human rights abuses in the country. The Special Rapporteur calls on the Government of Saudi Arabia to undertake measures for reversing the highly alarming and deteriorating situation faced by human rights defenders in the country. He urges the Government to ensure that human rights defenders are able to carry out their legitimate human rights activities, in a safe and enabling environment,

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[27] At the time of publishing no translation for this response was available.

including through an open and unhindered access to international human rights bodies without fear of harassment, stigmatisation or criminalisation of any kind.

State of Palestine

737. JAL 02/08/2016 Case no: PSE 1/2016 State reply: none to date

Allegations of threats, cyber-attacks and smear campaign against human rights organisation Al-Haq and its members and General Director, Mr. Shawan Jabarin.

738. The Special Rapporteur regrets that the Government has not provided him with a reply to the communication dated 2 August 2016 addressed to the State of Palestine.

739. The Special Rapporteur continues to express his concerns regarding the harassment, cyber-attacks and defamation campaign that the NGO Al-Haq, and its President Mr Sahawan Jabari continue to be subjected to. The Special Rapporteur requests to be provided with full details of any investigation and prosecutions which have been undertaken; as well as penal, disciplinary or administrative sanctions that have been imposed on alleged perpetrators.

740. On this occasion, the Special Rapporteur wishes to remind the Government of the State of Palestine of his request to extend an invitation to his mandate to effectuate an official visit to the State of Palestine.

Tunisia

741. JAL 13/06/2016 Case no: TUN 1/2016 State reply: none to date

Allégations des entraves dans la procédure de l'enregistrement de l'organisation Shams.

742. JUA 24/11/2016 Case no: TUN 3/2016 State reply: none to date

Allégations concernant l'arrestation arbitraire et les menaces contre les défenseurs des droits de l'homme, M. Ahmed Ben Amor, l'agression physique de M. Bohdid Belhedi ainsi que le harcèlement continu contre eux, qui semblent être uniquement motivé par leur travail en faveur des droits de l'homme en Tunisie.

743. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport et il encourage le Gouvernement à répondre à ces communications.

744. Les communications envoyées au cours de la période couverte par ce rapport, soulèvent de sérieuses préoccupations quant aux risques croissants auxquels sont confrontés les défenseurs des droits des LGBTI et leurs organisations en Tunisie. La Tunisie a connu une vague importante de persécutions des personnes LGBTI au cours des années 2015 et 2016 et de nombreuses personnes auraient été condamnées à l'emprisonnement en vertu du Code Pénal tunisien et de son article 230 qui pénalise la « sodomie », pouvant aller jusqu'à trois ans d'emprisonnement. Les défenseurs des droits de la communauté LGBTI sont systématiquement confrontés aux menaces, à l'agression physique, au harcèlement, ainsi qu'aux arrestations arbitraires qui semblent être uniquement motivées par leur travail en faveur des droits de l'homme en Tunisie.

745. Le Rapporteur spécial exprime sa vive préoccupation devant les actes allégués et fait appel au Gouvernement pour mettre fin aux actes de harcèlement, d'arrestation et aux attaques suspectées d'avoir pour but d'intimider les défenseurs des droits de l'homme, ainsi que la communauté LGBTI dans le pays, au regard en particulier des incidents homophobes alarmants signalés en Tunisie.

United Arab Emirates

746. JAL 20/04/2016 Case no: *ARE 1/2016* State reply: *20/06/2016*

Allegations of arbitrary detention of human rights defender Mr. Obaid Yousef al-Zaabi despite his acquittal, as well as of revocation of citizenship of the children of another detained human rights defender Mr. Mohammed Abdul Razzaq Al-Siddiq.

747. JUA 02/05/2016 Case no: *ARE 2/2016* State reply: *31/05/2016*

Alleged arbitrary and incommunicado detention, and denial of due process and fair trial of human rights defender Mr. Nasser bin Ghaith.

748. The Special Rapporteur thanks the Government of the United Arab Emirates for responses to both of the communications sent during this reporting period.

749. At the same time, the Special Rapporteur expresses concern in relation to allegations of the continued arbitrary detention of human rights defender Mr. Obaid Yousef al-Zaabi despite his acquittal in June 2014. On 2 July 2013, Mr. Obaid Yousef Al-Zaabi was arrested after posting a series of tweets criticizing a mass trial known as the "UAE 94 trial". The Special Rapporteur is also concerned about the revocation of the citizenship of the three children of Mr. Razzaq Al-Siddiq, which appears to be directly related to his peaceful human rights activities.

750. The Special Rapporteur expresses further concern about the alleged arbitrary and incommunicado detention, denial of due process and fair trial of a human rights defender Mr. Nasser bin Ghaith, who was arrested by State Security officers on 18 August 2015. After eight months of being detained incommunicado, Mr. bin Ghaith was brought to Court for a hearing that reportedly failed to meet guarantees of due process and fair trial. According to the reply received from the Government, the case is still pending before the courts. The Special Rapporteur reiterates his concern that these acts are reportedly in retaliation of Mr. bin Ghaith's legitimate exercise of the right to freedom of expression, and at the Government's conflation of critical expression on political affairs with threats against national security. He is also concerned about the alleged denial of guarantees of due process and fair trial, especially the denied access to his lawyers.

Yemen

751. JAL 10/05/2016 Case no: *YEM 2/2016* State reply: none to date

Allegations of harassment and arbitrary arrest of human rights defender Mr. Abdulrasheed al-Faqih, and of a smear campaign on the Internet against him and the NGO Mwatana Organisation for Human Rights.

752. The Special Rapporteur regrets that as of the finalization of the present report, no response has been received to the communication sent on 10 May 2016. He hopes to receive a response from the Government to this communication shortly.

753. The Special Rapporteur remains concerned at the precarious situation of human rights defenders in the country, including harassment, arbitrary arrest, threats of prosecutions, physical attacks and surveillance against them, which was illustrated by the harassment and arbitrary detention of human rights defender Mr. Abdulrasheed al-Faquih, executive director of the Mwatana Organisation for Human Rights. Additionally, human rights defenders continue to face restrictions of their rights to freedom of opinion, association and peaceful assembly. This is all the more regrettable given the fact that the Government had accepted a number of recommendations during the second cycle of the UPR conducted in 2014, concerning the situation of human rights defenders, including to ensure the lives and security of journalists and human rights defenders.

Other

754. JAL 07/12/2015 Case no: *OTH 10/2015* Reply: none to date

Alleged stigmatization and criminal proceedings against civil society association Promo-LEX and its members, including its director, Mr. Ion Manole.

755. JAL 16/02/2016 Case no: *OTH 1/2016* Reply: *03/04/2016*

Allegations of intimidation, in the form of a verbal threat, and harassment, against environmental human rights defender Mr. Farhan Issa Ahmed Al-Daboubi following his complaints against Al-Manakher Power Plant located in the east of Amman, Jordan.

756. The Special Rapporteur thanks AES Levant holding for the response provided to the communication letter sent. He takes note of information provided by the company and recommends that AES Levant apply the Guiding Principles on Business and Human Rights to ensure the respect of human rights and sustainable development in the pursuit of their activities.

757. JAL 25/02/2016 Case no: *OTH 15/2016* Reply: 25/05/2016

Alleged arbitrary withdrawal of journalistic accreditation of journalist Mr. Matthew Lee covering United Nations affairs in New York.

758. JOL 31/05/2016 Case no: *OTH 17/2016* Reply: none to date

Allegations concerning the assassination of environmental human rights defender Mr. Sikhosiphi Rhadebe.

Press Releases

759. PR *08/12/2015*

For International Human Rights Defenders Day - Wednesday 9 December 2015.

760. PR *09/12/2015*

"As the Covenants turn 50, it is time to turn norms into action" – UN experts.

761. PR *07/04/2016*

What is permissible and what is not when countering terrorism? UN experts welcome new African guidelines.

762. PR *20/05/2016*

Human rights protection must gain new momentum at World Humanitarian Summit – UN experts.

763. PR *23/05/2016*

Human rights protection must gain new momentum at World Humanitarian Summit – UN experts First World Humanitarian Summit – 23-24 May 2016.

764. PR *02/06/2016*

For World Environment Day – Sunday 5 June.

765. PR *03/06/2016*

"AIDS epidemic still being driven by human rights violations" – UN experts warn.

766. PR *03/06/2016*

Inter-American Commission on Human Rights financial crisis.

767. PR *21/10/2016*

Violence against environmental defenders – New UN major report urges zero-tolerance.

768. PR *25/11/2016*

For International Women Human Rights Defenders Day – 29 November 2016.

769. PR *09/12/2016*

Human rights under increasing attack worldwide.

Annex

770. **Abbreviations**
EU- European Union
ICCPR – International Covenant on Civil and Political Rights
LGBTI - Lesbian, gay, bisexual, transgender and intersex
NGO – Non Governmental Organisation
UDHR- Universal Declaration of Human Rights
UN- United Nations
UPR – Universal Periodic Review

771. **Abréviations**
DUDH- Déclaration universelle des droits de l'homme
EPU - Examen Périodique Universel
LGBTI- Lesbiennes, gays, bisexuelle, bisexuels, transgenres, intersexuels
NU- Nations Unies
ONG – Organisation non-gouvernemental
PIDCP - Pacte international relatif aux droits civils et politiques
UE- Union Européenne

Who is a defender?

772. "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

Communications

773. The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

Where does the information come from?

774. Information on such cases is received through a variety of sources including individual defenders, NGOs and United Nations agencies.

What happens when the information reaches the Special Rapporteur?

775. As information arrives the Special Rapporteur first seeks to determine if it falls within the mandate.

776. Secondly, every effort is made to determine the probable validity of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur's mandate contact sources to collect additional information.

777. Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an 'Urgent appeal' or 'Allegation' letter addressed to the State's diplomatic

mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

778. 'Urgent appeal' letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer's human rights work would be addressed through an Urgent appeal letter.

779. 'Allegation' letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation letter.

Allegations that cover several human rights issues

780. The Special Rapporteur constantly consults with Special Rapporteurs whose own mandates are implicated in a particular case and frequently sends joint letters of concern with these mandate holders.

What is the objective of the Special Rapporteur's intervention?

781. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeal and Allegation letters, the Special Rapporteur requests the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

How much time does the process take?

782. The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

What happens next?

783. Ideally, the Government will react immediately to the Special Rapporteur's letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur's mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

784. If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

Who can submit information, and how?

785. Any individual, group, civil-society organization, inter-governmental entity or national human rights bodies can submit information to the Special Procedures. The submission form is available on the following webpage https://spsubmission.ohchr.org.

786. It includes information that is both required and desirable in order for experts to properly examine a case and take action as needed. If it is not possible to complete the form online, the submission can be sent via e-mail to urgent-action@ohchr.org. Post submissions may be sent to OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland. In order to keep track of submissions, it is advised to use the online form.

What happens with a submission?

787. When received, information is screened and directed to concerned Special Procedures mandates. If information has been submitted through the online form or by e-mail, an automatic acknowledgement confirming that submission has been received will follow. This does not mean that experts have taken action on the submission.

788. If one or more expert(s) send(s) a communication on the basis of a submission, the person who made the submission will not be notified, as this information remains confidential until the communication is published in one of the three reports compiling the communications to the Human Rights Council each year.

For more information on these reports please see:

http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx

789. Subsequent to the submission of an allegation, it is essential to keep the mandate holder updated by sending on information of any positive or negative developments which may occur and which bring about a change in the situation of the victim(s).

Consent and confidentiality

790. Because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible. Therefore, communications sent to a Government or an intergovernmental organisation, a business, a military or security company, will by default include the name(s) of the alleged victim(s). However, if the victim(s) or her/his/their representatives make(s) it clear in the submission that concerns relating to the security of the alleged victim(s) exist, the experts may exceptionally decide to withhold the victims' names from the communication.

791. Reports compiling communications sent and responses received are published in a report prepared for each session of the Human Rights Council. These reports contain the letters sent by the experts, including the names of the alleged victims – except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are not published. If it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the report will not mention the victim(s) by name.

792. The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details that should remain confidential. It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they DO or DO NOT consent that:

- the names of the victims be disclosed in the communications to Governments, intergovernmental organisations, businesses, military or security companies.
- the names of the victims appear in a public report to the Human rights Council.

What are the criteria applied to act on a submission?

793. The experts will decide whether she/he will take action on a given submission, on the basis of the information received and the scope of her/his mandate. This decision depends also on criteria laid down in the Code of Conduct for the experts ("Code of conduct of the Special Procedures mandate-holders of the Human Rights Council", Human Rights Council resolution 5/2):

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

794. The experts will not require that the concerned State has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.

The online form

795. Each page of the online form contains "Help and information" to help users navigate the form. Certain fields are mandatory and marked with an asterisk. These fields must be completed in order to submit the form. The form can be saved at any point and it is possible to come back to it within 24 hours.